

CLINIC NEWS

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



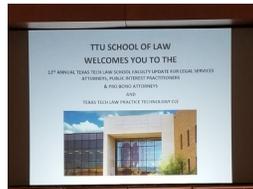
FALL 2017

TEXAS TECH UNIVERSITY SCHOOL OF LAW HOSTS 12TH ANNUAL FACULTY UPDATE CLE PROGRAM AND TEXAS TECH LAW LIBRARY TECHNOLOGY CLE

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The 12th Annual Texas Tech Law School Faculty Update for Legal Services Attorneys, Public Interest Practitioners & Pro Bono Attorneys and Texas Tech Law Practice Technology CLE was held



on October 26-27, 2017, which was appropriately scheduled during *National Pro Bono Week*.

In addition to their other *pro bono* and public service activities, various topics were presented by the following members of the Law School faculty: Associate Dean and Professor **Arturo Torres**; Professors **Nancy Soonpaa**, **Jared Gonzalez**, **Dean Pawlowic**, and **Larry Spain**; Clinic Faculty **Terri Morgeson**, and **Donnie Yandell**; Law Library Faculty **Jamie Baker**, **Alyson Drake**, and **Marin Dell**, and Keynote Speaker **Craig D. Ball**.

Mr. Ball is an ESI Special Master and Attorney and Computer Forensic Examiner. He spoke on "Can Lawyers Be Saved: Exploring the Need for Attorney Competence in Information Technology and the Challenge of Raising the Bar for the Bar".

Recorded sessions are available on the website and can be found by logging in with your Tech

credentials at <https://mediaservices.law.ttu.edu/> and clicking on the designated sessions.

This annual CLE program provides training for public interest practitioners and *pro bono* attorneys without cost in a faculty member's area of expertise. The program was provided live in Lubbock with 80 attorneys registered while approximately 50 individuals viewed the program by live webcast. Of course, it could not have taken place without the assistance from our technology folks, Beixin Ni and Jack Bishir!

Thanks to the law firm of **McWhorter, Cobb & Johnson** for sponsoring the cost of obtaining CLE approval from the New Mexico MCLE Department and to **The Overton Hotel and Conference Center** for sponsoring the breakfast.



Finally, thank you to Lisa Harden, Executive Director for the Lubbock Area Bar Association, Catherine Gallloway, Texas Access to Justice, and Kristi Ward, Lubbock LawNotes editor, for their assistance in promoting the event.

FACULTY AND STAFF RECEIVE RECOGNITIONS

Professor Wendy Ross –
Inclusive Excellence Award
presented by TTU Division of
Diversity, Equity & Inclusion



Elma Moreno - 2017 *Paralegal
of the Year Award* presented by
West Texas Paralegal
Association



FROM THE DESK OF LARRY SPAIN - DIRECTOR OF CLINICAL PROGRAMS AND CIVIL PRACTICE CLINIC

During the fall semester, seven students were enrolled in the Civil Practice Clinic: **Ruby Boone, Shelby Broaddus, Jesus Cano, Rachel Holland-Hadjis, Ryan Mitchell, Chase Price** and **Allie Winkle**. I have enjoyed working with each of them developing their lawyering skills and confidence while representing individual clients in the community.

In addition to directing the Low-Income Taxpayer Clinic, **Terri Morgeson**, has worked closely with each of the students, making herself available for questions and individual assistance, supervising them on selected individual cases, and accompanying them to court when necessary. And, of course, **Elma Moreno** and **Irma Shepler**, have provided valuable administrative support for the students during their work in the Clinic.

Over the course of the semester, a total of 42 new client cases were undertaken, 22 cases were completed and closed and 37 cases remain open and will be carried over to the spring semester.

Each of the students, in addition to being exposed to a variety of legal problems through the evening *Pro Bono* Clinics, participated in the *Night Court Divorce Project*, a program offered in collaboration with the Lubbock County Courts to provide representation to low-income individuals in simple divorces with hearings held before Judge Les Hatch in the evening at the Law School.

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 the representation of clients in matters involving family law, disability claims, wills and other estate planning, consumer disputes, and other civil matters. Most of the students will have had an opportunity to represent at least one client from beginning to end in a divorce case over the semester as well as complete estate planning documents for at least one client.



Professor Larry Spain teaches Civil Practice Clinic, Family Law, Professional Responsibility, and Advanced ADR Clinic.

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

In addition to law teaching and legal practice, he has also been active in the field of alternative dispute resolution, serving as Chair of the Governing Board of a university-affiliated community dispute resolution center as well as being a frequent trainer and practitioner in mediation skills. He currently serves on the Advisory Board for the Office of Dispute Resolution for Lubbock County.



Front Row (L to R):
Rachel Holland-Hadjis,
Jesus Cano, Ruby Boone,
Professor Spain

Back Row (L to R): Shel-
by Broaddus, Allie Win-
kle, Chase Price, and Ryan
Mitchell

RECENT CASE OF INTEREST

After nearly 3 years requiring a hearing before an administrative law judge on a disability claim and an additional appeal regarding an overpayment, our 63 year old client with COPD, asthma, hypertension, and complications from a rotator cuff injury was awarded \$32,161 in retroactive benefits and an alleged overpayment of benefits in the amount of \$7,336 was waived. Although several students worked on this case over the years, including **William Sanders ('15)**, **Chris Hill ('15)**, **Alex Hyde ('16)**, **Blake Stone ('17)**, and **Allie Winkle**, it was **Alex Hyde** that represented the client before an administrative law judge and obtained a fully favorable decision.

FROM THE DESK OF LARRY SPAIN AND GENE VALENTINI - ADVANCED ADR CLINIC

Eighteen (18) students participated in the Advanced ADR Clinic during the Fall Semester: **Nicolas Arkells, Isaac Blanco, Nikki Boyd, Michael Collier, Zach Daw, Joe Ellis, Michael Gomez, Chrystian Gonzalez, Madison Goodman, LeaAnn Kidd, Sophie Loika, Paige Lyons, Kevin Parish, Hannah Putnam, Jessica Robertson, Jordanna Sutton, Julia Wisenberg, and Chris Wright.**

The semester began with four full days of mediation training during the week before classes began for the fall semester. Completion of the course qualifies as 40 hours of classroom instruction in dispute resolution training for court appointment as an impartial third party under Chapter 154 of the Texas Civil Practice and Remedies Code. During the semester, students had the opportunity to initially observe experienced mediators conducting mediations before serving as either a co-mediator or solo mediator in a variety of disputes through the Office of Dispute Resolution for Lubbock County. The cases mediated by students

included divorces, suits affecting the parent-child relationship, civil suits, landlord-tenant disputes, collections, criminal complaints referred by the DA's office, pre-pleas, juvenile diversions, and miscellaneous disputes self-referred to the Office of Dispute Resolution. Nearly 300 hours of mediation services were donated by students over the course of the semester.

In addition to the mediation of actual disputes, every student videotaped an introductory statement for mediation for critique, prepared reflection papers on mediations that they participated in, and made an oral presentation in class on a mediation skill or topic related to alternative dispute resolution.

We enjoyed working with a group of enthusiastic students in developing their mediation skills which will prepare them in their future professional role either serving as mediator or as an attorney representing clients in mediation.



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



Front Row (L to R): Gene Valentini, Christopher Wright, Madison Godman, Joe Ellis, Zachary Daws, Jessica Robertson, Julia Wisenberg, Nicolas Arkells, Sophie Loika, Michael Collier, Isaac Boyd, and Professor Larry Spain

Back Row (L to R): Chrystian Gonzalez, Michael Gomez, Jordanna Sutton, Hannah Putnam, LeaAnn Kidd, Kevin Parish, Paige Lyons, Nikki Boyd

"I have gained an incredible amount of insight into conflict resolution this semester through the ADR Clinic. Not only did I get to learn from experienced mediators, but I also was able to independently form my own strategies to resolve conflicts between parties. I am excited to take what I have learned and apply it to my future career."

Michael Collier

"I have thoroughly enjoyed being part of the Advanced Alternative Dispute Resolution Clinic. In class, our instructors taught us critical skills that translate to almost every field of law. Each week, I saw my skills as a mediator grow while being able to help individuals facing a variety of problems including divorces, property disputes, and criminal charges. The feedback we received from Professor Spain and Gene Valentini felt like the kind of valuable training and mentorship that can be hard to find in real life practice! I'm very grateful for this experience."

Julia Wisenberg

WORDS FROM OUR STUDENTS:

"In working in the ADR clinic I have been able to get practical and hands on experience with working with both pro se and represented clients through the dispute resolution process. Having an opportunity to work directly with parties involved in a lawsuit has been a refreshing and much needed skills experience not usually obtained by reading for our regular law courses."

Thank you for the ability to be a part of the wonderful community of the ADR clinic."

Christopher Wright

**FROM THE DESK OF WENDY TOLSON ROSS -
DIRECTOR, FAMILY LAW AND HOUSING CLINIC**

I want to welcome the new Family Law and Housing students. The students this semester are: **Vinnie Del Mundo, Julia Handt, Desiree Hemphill, Nicole Ordonez, Chloe Reyes, Peter Shuler, Taylor Smith, and Jennifer Wallace.** These students worked very hard this semester and I want to thank them for all their efforts.

We had many challenging family law cases this semester. One of the divorce cases we completed this semester involved complex litigation regarding marital property. In this case, we impleaded two third parties who owned the property belonging to the divorcing parties and conducted a deposition of one of the third parties. The case concluded by the parties entering into a settlement agreement where the third parties agreed to sign their interest of the property to the divorcing parties. We represented a couple of fathers in



modification of custody suits where we were able to reach an agreement for Temporary Orders. We had 28 divorces and a Petition to Declare the Marriage Void. We are also in the beginning stages of a termination and adoption brought by the maternal grandmother and grandfather, who have raised the children since they were infants.

Finally, we have one Protective Order case that involved abuse and the protection of the child. We also had a few housing cases. We were able to assist several clients with advice on their rights as to repairs. We wrote several letters on the behalf of clients to refund the security deposit. Finally, we were able to help a client cancel her lease legally due to the unfit nature of the apartment which prevented the tenant from taking possession of it.



Professor Wendy Tolson Ross teaches Family Law and Housing Clinic, Negotiations, Marital Property and Race and Racism.

Prior to joining Tech Law at the beginning of the 2005 summer sessions, Professor Ross was a Clinical Instructor of Law at St. Mary's University School of Law. She served as a Clinical Instructor from 1999 thru 2005. She was also Acting Associate Director for the Office of Academic Excellence. Professor Ross joined the faculty in the fall of 2005 to teach a section of the Civil Practice Clinic and to teach negotiations. She earned her B.A. from Texas Tech University and her law degree from University of Missouri - Columbia Law School. In addition to teaching the Family Law and Housing Clinic, Professor Ross also teaches Race and Racism, Negotiations Workshop, and Marital Property.

Professor Ross has also served on various community organizations throughout the years.



Standing (L to R):
Peter Shuler, Nicole Ordonez, Julia Handt, Chloe Reyes, Taylor Smith, Jennifer Wallace, Desiree Hemphill, and Vinnie Del Mundo

Sitting (L to R):
Clinic Fellow Dwight McDonald and Professor Wendy Ross

"So far, working in the Family Law and Housing Clinic has been the most valuable learning experience of law school. Instead of reading cases or working hypotheticals, we're working with real people with real issues. Professor Ross has told me on countless occasions, "You never know what's gonna happen in family law," and I'm finding that to be 100% true every day."

Peter Shuler

FROM THE DESK OF PATRICK S. METZE DIRECTOR, CRIMINAL DEFENSE CLINIC

Just a short note to let everyone know the students in the Criminal Defense Clinic are, as always, busy representing real people in real cases in real time. This semester the students have handled or are handling 104 cases for 69 different clients. Students handle all phases of representation from initial interview through appearance in Court. The responsibility of representation falls entirely on the

clinic students' shoulders under the ever watchful eyes of the Clinic Director and Clinic Fellow, Dwight

McDonald. This semester, of those 104 cases, 47 have been completed with 19 pleas of guilty and 28 dismissals for a 59% dismissal rate. These 104 cases represent 84 misdemeanors and 20 felony charges - a very ambitious docket. Representing clients in the Magistrate Court, two Lubbock County Courts at Law, and in all three criminal District Courts of Lubbock County are: **Marta Acosta, Brian Burkhardt, Case Donovan, Rikki Earnest, John Garcia, Bailey McGowan, Andrea Nfodjo, and Uzo Okonkwo.** Please congratulate them all for their hard work. Space does not allow an individual account of all they have accomplished in 4 months. Suffice it to say, these



students are practicing law at the highest level for the benefit of their clients every day. They are learning the real life lessons of the practice of law and putting their education to great use. All students are members of the Texas Criminal Defense Lawyers Association. Networking with criminal defense lawyers is just one advantage of membership in these organizations. The students are set to attend the 38th Annual Prairie Dog Lawyer Advanced Criminal Law Seminar in January at the Law School, all free of

charge. During the course of each semester each student will spend a minimum of 200 hours representing their clients in addition to a two hour seminar support course held once a week. This equates to a total time investment during each semester of a minimum of 1600 hours of pro bono representation for the clinic clients. The Criminal Defense Clinic is proud to represent the indigent citizens of the South Plains by court appointment only and plays its part in the Law School's commitment to providing quality, ethical representation to the poor while educating each student of the importance of such work.



Patrick Metz became a full-time faculty member teaching and directing the Criminal Defense Clinic in 2008. Pat is an experienced criminal defense practitioner in Lubbock who is a Past President and Director of the Lubbock Criminal Defense Lawyers Association and former Board member of the Texas Criminal Defense Lawyers Association. He is enthusiastic about continuing the development of our Criminal Defense Clinic and providing a quality experiential program for our students.

He received a Bachelor of Arts from Texas Tech University and his Doctor of Jurisprudence from The University of Houston. He was admitted to practice in the State of Texas on April 29, 1974, celebrating this year 42 years in the practice of law. Prior to joining the faculty, he was one of only 14 attorneys qualified for appointment as first chair in Capital Murder cases in the 45 counties of the 9th Administrative Judicial Region and the only attorney in Lubbock who was qualified and solicited appointments to indigent clients for misdemeanors, juveniles, felonies, death penalty cases, and appeals in all courts.



Sitting (L to R): Brian Burkhardt, Andrea Nfodjo, Bailey McGowan, and Case Donovan

Standing (L to R): Dwight McDonald, John Garcia, Marta Acosta, Rikki Earnest, Uzo Okonkwo, and Professor Patrick Metz

"The Criminal Defense Clinic is getting me real courtroom experience a full year before I graduate. This head start is exactly what I needed. The Criminal Defense Clinic lets me help the people who need legal services and do not have access. This is the most fulfilling year of my life. The Criminal Defense Clinic gives me an opportunity to step into the courtroom and zealously advocate for my clients. It has been a life-changing year."

John D. Garcia

FROM THE DESK OF DONNIE YANDELL
CAPROCK REGIONAL PUBLIC DEFENDER OFFICE

The Fall Semester is complete and this year the Caprock Regional Public Defender Clinic has eight student attorneys: **Kaitlin Gates, Jason Judd, George Manning, Bailey McShane, Kelsey Robbins, Erika Sparkman, Travis Warner and Camille Youngblood.** The student attorneys were assigned ninety cases.

The students represented clients in all manners of cases including Abandoning/Endangering a Child, Aggravated Assault, Burglary of a Building, Burglary of a Habitation, Credit/Debit Card Abuse, Criminal Mischief, Criminal Trespass, Cruelty to Animals, Deadly Conduct, Domestic Violence Assault, Driving While Intoxicated, Driving While License Invalid, Escape, Evading Arrest, Failure to Register as a Sex Offender, False Drug Test, Fleeing, Forgery, Hindering Apprehension, Injury to a Child, Possession of a Dangerous Drug, Possession of



Marijuana, Reckless Driving, Resisting Arrest, Rioting as well as many more.

Of the ninety cases assigned to students, twenty-one were felonies, sixty-seven were misdemeanors and two were juveniles. Overall, the students have closed twenty-eight cases, or 31% of the ninety cases.

Finally, this semester, we had a case that was set for trial in August that was postponed and probably will end with a dismissal. We have two or three more cases that very well may end up in trial by the end of the school year. This has been an exceptionally busy semester and there does not appear to be any slowing down coming into the new year. All of these students have done a very good job and have worked a lot of hours, often on their own time in an attempt to represent their clients to the best of their abilities.



Donnie Yandell is currently the Chief Public Defender for the Caprock Regional Public Defender Office and teaches Law Practice Technology during the Fall semester.

Donnie attended Texas Tech University School of Law and graduated in December of 2001. Donnie was licensed in May of 2002 and immediately opened a private solo practice. He was in private practice until November of 2010 when he accepted the position of Chief Public Defender for the CRPDO.

Over the years, his practice focused more and more on criminal defense. He also handled family law, wills, probate and a few personal injury cases. He is licensed in federal court and has represented individuals in both civil and criminal cases therein. He has also represented individuals on appeal in the 7th Court of Appeals in Amarillo, the 11th Court of Appeals in Eastland and the 5th Circuit Court of Appeals in New Orleans. Donnie has tried several major felonies in state court. He is a member of the Texas Criminal Defense Lawyer's Association and the Lubbock Criminal Defense Lawyer's Association.



Sitting (L to R): Kelsey Robbins, Kaitlin Gates, Erika Sparkman, Camille Youngblood, and CRPDO Legal Assistant Irma Shepler

Standing (L to R): Clinic Fellow Dwight McDonald, Professor Patrick Metzke, George Manning, Chief Public Defender Donnie Yandell, Travis Warner, Bailey McShane, and Jason Judd

"This semester in Caprock Regional Public Defender's Clinic has been one of the best experiences I have had in the legal community so far. These past few months I have gained invaluable knowledge about how the criminal justice system works. I have become more confident working with attorneys, clients, and other people within the legal system. I am very grateful for the opportunities Caprock has given me, and to Donnie for teaching me so much in such a short amount of time."

Camille Youngblood

**FROM THE DESK OF TERRI M. MORGESON —
DIRECTOR, LOW-INCOME TAXPAYER CLINIC**

The Low-Income Taxpayer Clinic continues to grow. In 2017, we accepted 68 new clients which is our highest number of new cases ever. We have eight students enrolled in the tax clinic. The students are **Payton Beggs, Abbey Coufal, John Davis, Kate Foley, Sergio Herrera, Christopher Mitchell, Alex Pennetti** and **Joshua Radabaugh**. The students are handling approximately 8 cases per student.

In addition to our expanding caseload, tax clinic has come full circle. In October, the United States Tax Court presided over hearings in Lubbock. The IRS was represented by a former low income tax clinic student, **Chase Barnhill**. I was extremely proud watching Chase present cases

and interacting with Chief Special Judge L. Page Marvel.

Our cases continue to focus on improperly taken earned income tax credit and self-employment tax. We continue to settle cases through Offer in Compromise. Our biggest settlement this year was for a taxpayer who owed over \$40,000 for federal income tax. The client had owned his own business but due to a physical injury was forced to close his business. We settled his case for \$1.00.

In January, the clinic students and I will volunteer at our local VITA site helping low income taxpayers with tax preparation.



Terri Morgeson began her work with the Clinical Programs in the fall of 2007 as a full-time Clinical Fellow for the Civil Clinic, Family Law Clinic and Criminal Defense Clinics. She continued in this position while occasionally teaching a couple of upper level skills classes, negotiations and interviewing and counseling courses.

Terri graduated from Lubbock Christian University in 1994 and received her J.D. from Texas Tech in 2003. Before becoming an instructor at Texas Tech, Terri had a private practice here in Lubbock. She is currently a committee member for State Bar of Texas, Legal Services to the Poor in Civil Matters.

Additionally, Terri was a founding member of the Lubbock Private Defender's Office.

In May of 2014, Terri Morgeson agreed to accept the responsibilities and duties as Director of the Low-Income Taxpayer Clinic in addition to continuing as Clinical Fellow for the Civil Practice Clinic. Although the learning curve has been steep, she is enjoying the challenge and continuing the tireless work of her predecessors.



L to R: Alex Pennetti, Sergio Herrera, Abbey Coufal, Payton Beggs, LITC Director Terri Morgeson, Joshua Radabaugh, Christopher Mitchell, Kate Foley, and John Davis

"In the Low-Income Taxpayer Clinic I have gained insightful experiences regarding how to interact with clients under pressure, and have also been able to harness my public speaking skills. The Clinic has been the most opportune place for me to spend my last year before graduating law school because I am attaining invaluable skills that I will carry with me into the practice of law."

Abbey B. Coufal

"Mr. Ondo assisted me with a tax issue that was ongoing for many years and accrued a lot of IRS interest because of the length of time. He assisted me in making an offer to the IRS and was accepted. I am forever thankful for his help in doing this. Always professional, very knowledgeable and attentive to my issue. Thank God for You, forever grateful!"

Tax Clinic Client

The Low-Income Taxpayer Clinic saved Taxpayers an estimated \$276,190.00 in corrected tax liabilities and obtained refunds totaling an estimated \$50,349 during the 2017 tax grant year!!!



FROM THE DESK OF ALLISON CLAYTON — DIRECTOR, INNOCENCE CLINIC

It's impossible to reduce to a short column the volume and variety of work the Innocence Clinic does. Here are some highlights from just a few of our cases:

Kristen Gavigan has been knee deep in DNA testing for a murder older than most law school students where an innocent man (who had an alibi never presented at trial) was convicted. She's been on the trail of evidence for a 1986 kidnapping where the wrong man was convicted and to this day remains in prison. She will be filing a petition for his release next semester, as soon as she navigates the waters of the handling the district attorney from the rural county involved in the case.

Ryley Bennett has drafted multiple legal memorandums in the wrongful conviction of a 6'3" man for a string of aggravated robberies (all done by a man no taller than 5'7"). One of those memos became two new grounds in a revised petition for his release, which litigation is ongoing. She has also analyzed 1000s of pages of trial transcript to evaluate the viability of the innocence claims of another one of her clients whose conviction involved a terrible misapplication of hair comparison science.

Chris Nisttahuz drafted a petition for review in a capital murder case. That brilliant petition, bearing Chris's signature and giving her amazing exposure, remains pending with the Court of Criminal Appeals. In working on another case, Chris has become well-versed in blood spatter science (which was possibly misused in obtaining a wrongful murder conviction) and aspects of

forensic pathology relevant to whether the State's theory was accurate (it turns out, important portions of it were not).

Janet Moreno drafted a motion for DNA testing in a 1992 murder case where the wrong man was (and remains) incarcerated. In a move exceedingly rare in our field, the State is going to join with the motion, which is the only way several items would have been tested at all. She has used her incredible people skills to find witnesses, hunt down family members, and zealously investigate the claims of her clients.

And these are just the highlights in a few of the many cases the students have. Each student has 6-7 cases; 60% of our cases are murder cases, 24% are sexual assaults, and the rest are kidnapping and robbery cases.

This work leads to tangible results for our students and our clients. Just 2 months ago, the Court of Criminal Appeals set aside the wrongful conviction of one of last year's clients – Jesse Griffith. Almost 15 years ago, Jesse was wrongly convicted of felony-grade theft – the only conviction on Jesse's record and yet one that perniciously haunted him in his personal and professional life. Because of the petition last year's students filed and signed, Jesse was exonerated, and he is now able to move on with his life. That is the end result of the incredible mix of tedious, thrilling, and trying work that the Innocence Clinic does every day.



Allison Clayton is the adjunct professor of the Innocence Clinic. In addition to the Clinic she runs a local law practice. She is Deputy Director of the Innocence Project of Texas, Director of the Lubbock Criminal Defense Lawyers Association, and an active member of the Amicus Committee of the Texas Criminal Defense Lawyers Association.

Allison graduated from TTU magna cum laude with honors in 2004 and TTU School of Law summa cum laude in 2007. Upon graduation from law school, she served as a clerk on the Second Court of Appeals for one year before becoming a staff attorney for the Federal District Court for the Northern District of Texas. Allison left the federal court in 2013 and started her own law practice focusing on appellate and post-conviction criminal defense litigation, which is ironic considering the fact she started law school fully intending to never practice a day of criminal defense in her life.

Dealing primarily with felony convictions, Allison has represented clients in appellate and post-conviction matters around the state and nation. She currently has cases pending in the United States Supreme Court, Fifth Circuit, Federal District Court for the Northern District of Texas, Texas Court of Criminal Appeals, and multiple Texas courts of appeals.



L to R: Chris Nisttahuz, Ryley Bennett, Director Allison Clayton, Kristen Gavigan, Janet Moreno, and Professor Patrick Metzke

"My time with the Innocence Clinic will easily be the most memorable and valuable part of law school. There are few things more rewarding than helping an innocent person fight for their freedom. Allison is an amazing mentor who selflessly fights the good fight every day and helps guide her students in the pursuance of justice."

Janet J. Moreno

LOW-INCOME TAXPAYER CLINIC COMMUNITY OUTREACH

by Nancy Mojica, Community Outreach Coordinator



On September 21, 2017 our LITC Director Terri Morgeson had the opportunity to educate the MCH Family Outreach GAPP Support Group. The workshop was held at the Cumberland Presbyterian

Church to educate the Grandparents to Parents Support group about the LITC Program and all its benefits.

The MCH Family Outreach GAPP Support Group program provides services to grandparents and other relatives who care for children in the absence of parents. They support families by providing in-home assessments, case management services and support groups for caregivers. The GAPP Program builds on the families strengths and works with all family members to find solutions to the challenges of raising children in today's complex world.

During the semester, I also participated at the Walk Like MADD 5K Run and Resource Fair. This event was held at the Lubbock County Courthouse on Saturday, September 23, 2017 to honor victims of drunk drivers. Vendors were on hand to get valuable information out to the public about services available to in our community. This event brought in over 120 participants from Lubbock and the surrounding counties.

October 25, 2017, I participated at the South Plains Community Action Association, Head Start

Division of Littlefield, Texas. The event was held at the Littlefield ISD Primary School. The event's goal was to provide community families with direct access to multiple resources and information regarding our program services and other resources available for Lamb County and the surrounding areas.



Over 75 families and children were on hand ready to obtain valuable resource information regarding the Low-Income Taxpayer Program as well as other valuable resources from our program and the other agencies on hand.

On November 7, 2017, I participated as a vendor at the Annual South Plains Community Action Association, Head Start Program of



Lubbock. The event was held at the Eddie Richardson Center. The event was held to provide the needed resources to over 100 children and families in Lubbock and the surrounding area. This was a great opportunity to get the word out about our services and also to network with other agencies about our services and what we provide.

Finished the Fall semester by also performed direct outreach to a good portion of the counties in our service area.



WORDS FROM OUR STUDENTS:

"Working Tax Clinic is the best part of my day. I am so glad to be developing practical skills while helping those who desperately need assistance with their IRS issues. Pro bono work is so important for lawyers and I am thankful for the opportunity to begin that work here in law school."

Christopher Mitchell
Tax Clinic

"I have gained so much valuable experience from the Low-Income Tax Clinic, and I look forward to applying the skills I have learned to my law practice. You just can't get the same type of experience working with clients in any other law school program."

Payton Beggs
Tax Clinic Student

"Participating in the Clinical Program has been one of the most rewarding and valuable experiences of my law school career. Assisting actual clients with their legal issues has provided me with a hands-on learning experience that cannot be matched in the classroom."

Jennifer Wallace
Family Law and Housing
Clinic



THANKS TO FACULTY AND STUDENTS SUPPORTING PRO BONO

Thanks to the following faculty who assisted at *Pro Bono* Clinics held in conjunction with Legal Aid of NorthWest Texas during the fall semester: **Associate Dean Arturo Torres** (4 clinics), **Professors Dustin Benham** (1 clinic), **Alex Pearl** (1 clinic), **Tracy Pearl** (2 clinics), **Wendy Ross** (3 clinics), **Brie Sherwin** (1 clinic), **Larry Spain** (6 clinics). **Law Library Faculty Jamie Baker** (2 clinics), and **Marin Dell** (1 clinic), **Clinic Supervising Attorney Dwight McDonald** (2 clinics), **Career Services Staff Nathan Leake** (4 clinics) and **Paula Smith** (1 clinic).

The Law School faculty co-sponsored two *Pro Bono* Clinics held at St. John's United Methodist Church during the month of September as well as assisting with three *Pro Bono* Clinics during the fall semester that various law students participated in that were coordinated by **Elma Moreno**, Associate Director for Pro Bono Projects. In addition, all students in the Civil Practice Clinic and Family

and Housing Clinic participate in the *Pro Bono* Clinics as part of their clinical work. The following law students assisted at the Pro Bono Clinics during the fall semester as part of their pro bono requirements:

Alayna Wright, Alexa Lunsford, Camilo Valencia, Cassy McGinnis, Dana Dinkens, Elliott O'Day, Harrison Wier, J. Riggs, Jason Judd, Jason Logsdon, Jordanna Sutton, Jose Angel Gutierrez, Julia Whitley, Makenzie Keene, Megan McIntyre, Michaela Daniels, Miranda Crow, Pooja Patel, Rebecca Sanders, Samantha Whitehead, Sarah Means, Sarah Sanders, Sarah Simpson, Sheena Teague, Tracie Pettus, and Tyler Merolla.

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

WHERE ARE THEY NOW?

Caitlin Sullivan (Criminal Defense Clinic 2016-2017) - Currently at Scott, Ray & Sullivan doing criminal defense, local government environmental enforcement, will and estate planning, probate, and real estate law.

Rasha Ziyadeh (Criminal Clinic 2016-2017) - States the following "I am currently a trial attorney at the Dallas office of Rob Wiley, P.C.. I represent plaintiffs in employment disputes with their employers. I am already on the verge of settling my first case; I will be mediating my first case in a couple of weeks; and most notably, I was able to successfully argue the Douglas Factors in favor of reinstating my client to her position with the federal government. I was able to do all of that because the clinics and the advocacy program at TTU Law made sure I was practice ready! Forever thankful and grateful for my tech law family! #wreckemtech".

Rosalind Perez (CRPDO 2016-2017) - Working at Anderson, Smith, Null & Stofer, LLP in Victoria, Texas. States she is getting involved in the local community and is looking at getting on the Boards of a couple of organizations in town.

Carissa Christensen (Family Law/Housing 2016-2017) - Passed Utah bar! Currently working at a family law firm in Salt Lake City called *Just Law*.

Aqsa Siddiqui (Tax Clinic 2016-2017) - currently works at the Bergquist Law Firm, Houston, Texas.

Derek Mergele-Rust and Michael Debnam (CRPDO 2016-2017) and **Brent Debnam (Criminal Defense Clinic 2016-2017)** - opened their own practice in Dallas, Texas — DebnamRust Attorneys at Law.

SECOND ANNUAL HALLOWEEN COMPETITION

It is well known that our clinic students are EXTREMELY competitive. Given the opportunity to decorate and compete against other clinics, students become very innovative and talented in decorating their individuals clinics. Thanks to Greg Roberts, Ashley Langdon, and Nathan Leake for taking time out of their busy schedule to judge the competition! Congratulations to all!



3rd Place and Most Creative Office: Criminal Defense Clinic



4th Place: Caprock Regional Public Defender



5th Place and Best Legal Themed: Family Law/Housing Clinic



2nd Place and Best Haunted Office: Tax Clinic



1st place and Best All Around Decorated Office: Civil Practice

VOLUNTEER OPPORTUNITY— COALITION SEEKS VOLUNTEERS FOR UPCOMING TAX SEASON



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

An information session was held on November 10th and was very well attended. A three hour training session was held on November 27th which was also well attended. As a result of the meeting and in addition to the tax clinic students who have assisted for several years, several students have completed volunteer commitment forms! The LITC Clinic Director, Terri Morgeson, the LITC Community Outreach Coordinator, Nancy Mojica, and myself serve on the CCAV Board and are committed to volunteering during the tax filing season.

It's not too late to sign up to volunteer! The *Coalition of Community Assistance Volunteers* asks that you consider volunteering your time and talents to prepare and e-file income tax returns FREE for low income taxpayers in our community. Tech Law students have played an important role in the community by serving as volunteers for the Volunteer Income Tax Assistance program for many years. Last year our volunteers enabled more than 2,796 taxpayers to save approximately \$419,000 in unnecessary tax prep and rapid refund loan fees, while bringing more than \$3.3 million in refunds into the local economy.

Volunteers prepare basic individual income tax returns on an easy-to-use computer software program and enjoy protections under state and federal Volunteer Protection Acts. Hours also qualify for law-related pro bono hours to meet the graduation public service requirement.

CCAV asks that law students **train and test at the Advanced Level**. Training and testing must be done on-line.

This is a great opportunity for students to gain valuable experience that will look good on a resume while also giving back to the community.



CCAV also hosts a volunteer luncheon after tax filing season at which time law students and other volunteers are recognized for their participation in the VITA.

We hope you'll choose to participate with us during the upcoming tax season which runs from January 22nd thru April 17th by volunteering 2-4 hours of your time per week. Not too late to volunteer if you are interested, please feel free to contact me at elma.moreno@ttu.edu if you have any questions or if you would like to pick up a packet.

Please visit the website at www.ccavlubbock.org to register online and to view pertinent information.

WHERE ARE THEY NOW!



Mercedes Torres (Innocence Clinic - "17) - Passed Arizona bar! Currently working as a Deputy County Attorney at the Maricopa County Attorney's Office in Phoenix, Arizona.

Tiffany Pham (Civil Practice Clinic 2016-2017) - Associate attorney at Walters, Balido, and Crain in Houston, Texas
Kylie Rahl (CRPDO 2016-2017) - Currently working as a Real Estate and Finance Associate at Kelly Hart & Hallman in Fort Worth, Texas.

Randy Lopez (CRPDO 2016-2017) - Currently the Misdemeanor prosecutor for County Court #7 in Hidalgo County located in Edinburg Texas.

Jenee Duran (Civil Practice Clinic 2016-2017) - Currently in El Paso working at Blanco Ordóñez Mata & Wallace, P.C. practicing commercial, probate, international, and fiduciary litigation.

Ashleigh Hammer (Innocence Clinic 2016-2017) - Completed Air Force Judge Advocate Staff Officer Course at Maxwell Air Force Base and is officially an Air Force JAG. She is the Chief of General Law at Cannon Air Force Base where she handles all civil law issues for the office. This includes legal assistance, environmental law, operational law, and Family law. She will also represent the government as trial counsel in upcoming Court Martials.

For more information on becoming a volunteer for the Volunteer Income Tax Assistance, please visit: www.ccavlubbock.org, call (806) 765-0725 or email Elma Moreno at elma.moreno@ttu.edu



WORDS FROM OUR STUDENTS

"Clinic has been a great learning experience, it has allowed me to apply the concepts learned in class into real life situations. Professor Metze and Professor McDonald are great mentors, their encouragement has helped me become a better advocate along the way."

Marta Acosta
Criminal Defense Clinic

"My time in the clinic has been invaluable because of the opportunities to practice the skills I've learned throughout my law school career. Continuing to give back to our local Lubbock community is very fulfilling knowing our work will have an effect for years to come."

Bailey McGowan
Criminal Defense Clinic

"My clinic experience has been both eye opening and helped me to build confidence in my legal work. My experience has allowed me to be mentored and guided by some of the most respected and knowledgeable attorneys in the profession. It has been an invaluable addition to my law school career."

Uzo Okonkwo
Criminal Defense Clinic

"Being in the criminal defense clinic has been such a valuable experience for me. The opportunity to work with real clients on real cases before being a licensed attorney has taught me so much already. I am learning not only how to navigate and manage my cases but also to balance my personal life. The opportunity we have been given is rare, and there is no supplement for actual experience. We are out in the trenches of the judicial system holding the government to their burden, day in and day out. It is so rewarding to know that we are able to have an impact in our client's lives."

Andrea Nfodjo
Criminal Defense Clinic

"The Criminal Defense Clinic has been a catalyst for my legal education this past semester. Serving clients in Lubbock County is a highly rewarding challenge. I have learned so much under Professor Metze and Professor McDonald about the ethical practice of law, zealous advocacy, and general human decency."

Rikki M. Earnest
Criminal Defense Clinic

"Being part of the Caprock Regional Public Defender's Office has given me the opportunity to make changes in people's lives, and getting real world experience has given me the confidence to open up my own practice."

George Manning
CRPDO Clinic

"Being in the Caprock PD's Office has been a rewarding experience."

Travis Warner
CRPDO Clinic

"Being in Caprock has been the highlight of my law school career. I really enjoy forming relationships with my clients, peers, and professors. Even after just a semester in the clinic, I feel more prepared to start practicing law after graduation."

Jason Judd
CRPDO Clinic

"I have always been a big proponent of hands on learning. Being in Caprock has not only allowed me to learn necessary skills in research but also the practical aspect of law. The amount of time spent in the car allows us to quiz Donnie and enjoy the camaraderie while learning these important skills."

J. Bailey McShane
CRPDO Clinic

"Walking into law school, I was overcome with the immense responsibility due to clients - clients truly trusted you with the most intimate parts of their lives. I was worried my limited legal knowledge and lack of experience would hurt a future client. However, clinic completely changed my perspective. Clinic provides an opportunity to practice under a licensed attorney who guides you through real clients' cases. I have negotiated with district attorneys, obtained multiple case dismissals, and helped change many lives - all before leaving Law School."

Erika Sparkman
CRPDO Clinic

"Being a student attorney has been a truly invaluable experience. Not only have I learned everything needed to represent a client at every stage of their case, but I've also gotten over the jitters of speaking in the court room and negotiating with opposing counsel."

Kelsey J. Robbins
CRPDO Clinic

"Being a student in the Caprock Regional Public Defender Office has without question been the best experience I've had in law school. Having licensed attorneys by my side to answer my questions and guide me through client representation is an invaluable learning tool that has given me the confidence to truly be a practice-ready attorney upon graduating from Tech Law."

Kaitlin E.L. Gates
CRPDO Clinic

"Participating in the Innocence Clinic has been one of the most rewarding experiences in law school for me. Not only have I learned about the law and the extensive work that must be done to exonerate someone, but I have also (unexpectedly) learned so much about myself. Today, I am a better person because of it."

Chris Nisttahuz
Innocence Clinic

SNAPSHOT CORNER

The Clinical Programs hosted a table with information regarding the individual clinics and promoted the *Clinical Programs* on Tuesday, August 30, 2017, in the forum during the **Student Organization Fair**. Several students helped disseminate information and promote the clinics!



Fall Clinic Orientations



Divorce Night Court



Selection process for Students Interested in Participating in the Clinical Programs during the 2018-2019 academic year will begin in early February! Mandatory Information Session is scheduled for January 24, 2018—Lanier Auditorium! Watch for announcements in January and visit the clinic website at <http://www.law.ttu.edu/acp/programs/clinical/> for more information!

SNAPSHOT CORNER

Just for Fun!



Halloween Fun pics can be found by visiting our Facebook page by
Searching TTU-School-of-Law-Clinical-Programs

CLINIC DIRECTORS:

Larry R. Spain
Civil Practice Clinic
Advanced ADR Clinic

Wendy Tolson Ross
Family Law and Housing
Clinic

Terri M. Morgeson
Low-Income Taxpayer Clinic

Patrick S. Metz
Criminal Defense Clinic
Capital Punishment Clinic
Caprock Regional Public
Defender Clinic

Allison Clayton
Innocence Clinic

**CO-DIRECTORS/
INSTRUCTORS:**

Gene Valentini
Adjunct Professor
Advanced ADR Clinic

Donnie Yandell
Chief Public Defender
Caprock Regional Public
Defender Office

CLINIC FELLOWS:

Terri Morgeson
Civil Practice Clinic

Dwight McDonald
Family Law/Housing Clinic
Criminal Defense Clinics

STAFF:

Elma Moreno
Office Manager/Legal
Assistant

Irma Shepler
Legal Assistant

Nancy Mojica
LITC Community Outreach
Coordinator



**FROM THE
FALL 2017
CLINICAL
PROGRAMS
FACULTY AND
STAFF**



**CONGRATULATIONS TO ALL WHO PASSED THE JULY BAR
AND
DECEMBER GRADUATES!!**

CLINIC NEWS

Fall 2017 Edition
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