



FALL 2020

CLINIC NEWS

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

LOW-INCOME TAXPAYER CLINIC CELEBRATES 20 YEARS!

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Elma Moreno
Clinical Programs Legal Assistant and
Office Manager

The TTU School of Law LITC is celebrating its 20th year of existence. The Low Income Taxpayer Clinic was established in 2000 with a “start-up” grant from the Internal Revenue Service for \$84,320.00 with a requirement of dollar-for-dollar match. The LITC provides tax assistance to eligible taxpayers. Law students, under the supervision of a law professor, handle a wide range of issues including but not limited to audit appeals, examination notices, collection notices, earned income credit controversies, dependency issues, non-filer issues, innocent and injured spouse issues, identity theft issues, and cancellation of debt issues.

An attorney from private practice, **Don Williams**, was named as the tax clinic director and Professor Marilyn Phelan was designated as the tax clinic advisor. The budget for the year included Professor Williams’ salary, salary for a percentage of time spent by the law librarian and secretary, fringe benefits, computer software, installation of computer hookups, computers, and supplies. Matching costs included a percentage of Professor Phelan’s salary for time she spent on the grant, as well as fringe benefits, telephone expenses, and industrial match for Professor Williams. It appears that the F & A costs for indirect federal and indirect match were included as part of the matching funds.

After having supervised 61 students and 93 new cases, Professor Williams resigned as the clinic director to concentrate on his private practice prior

to the Fall 2003 semester. Since **Professor Marilyn Phelan** had invested much time in obtaining the grant and providing oversight, she made a decision to assume the duties and responsibilities as LITC Director. At that time, the LITC applied for a \$75,000 grant for 2003 but only received a \$49,000 which allowed us to pay for Professor Phelan’s supplemental salary, fringe benefits, travel, and operating expenses. The matching funds consisted of salaries for a percentage of time for faculty and staff. According to the tax grant guidelines, F & A could no longer be a matching fund and F & A costs were waived.

The LITC received a grant for \$75,000 for 2004 which covered the same expenses incurred in 2003. However, as an added benefit to the clinic, we were able to hire a part-time employee to serve as Community Outreach Coordinator. **Janie Gonzales** was hired as the part-time community outreach coordinator in May 2004. F & A costs were once again waived.

The LITC operated as a one-semester clinic, including both summer sessions, from Fall 2000 thru Spring 2005. In 2005, the LITC was awarded \$50,000 although we applied for \$61,138.00. The \$50,000 grant divided the money into two programs: Controversy (\$46,000) and ESL (\$4,000). We made adjustments to our budget and program plans, but were still able to operate as we had in 2004. F & A costs were once again waived. From 2005 thru 2012, grants awards were split between controversy and ESL which basically involved community outreach and representation to the English Second Language community which we had no problems meeting goals.



(continued on page 9)



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

This was certainly a different semester for students in the Civil Practice Clinic because of COVID restrictions and the inability to meet their clients in-person throughout the semester for the most part. During the fall semester, nine students were enrolled in the Civil Practice Clinic: **Gabrielle Bechyne, Austin Estelle, Ashley Harrison, Michelle King, Mikaela Mitcham, Monica Reyes Ibarra, Alexandra Rossetti, Jarod Russell, and Michael Samaniego.** Despite the challenges presented, the students were able to adapt to practicing law in a virtual environment, remain engaged, and provide critical representation to clients in a variety of legal matters.

Over the course of the semester, a total of 16 new client cases were undertaken, 8 cases were completed and closed, and 22 cases remain open and will be carried over to the spring semester. Due to COVID, students were unable to participate in evening in-person Pro Bono Clinics sponsored by Legal Aid of NorthWest Texas, which were cancelled and replaced by telephone intakes. However, over the course of the semester, students in the Civil Practice Clinic interviewed 17 applicants seeking legal services through Legal Aid of NorthWest Texas and provided brief advice and counseling to them.

Each of the students were kept busy carrying an individual caseload of 3-4 clients at most times throughout the semester and assumed primary responsibility for the representation of clients in matters involving family law, disability claims, wills and other advance planning, consumer issues, and other civil matters. Two of the students, **Michael Samaniego** and **Mikaela Mitcham**, were able to conduct hearings before an Administrative Law Judge which were held by telephone rather than by video conference as the Social Security Administration has not yet begun scheduling hearings either in-person or by video conference. While a decision remains pending in one of the cases, a fully favorable decision was issued in the other. Most of the other students have requests for hearing pending before administrative law judges which hopefully will be scheduled by video conference during the Spring semester.

I also wish to acknowledge the valuable assistance of **Terri Morgeson**, Director of the Low-Income Taxpayer Clinic, who also has helped with supervising students in the Civil Practice Clinic on selected cases and been available to answer questions from students, and **Elma Moreno** and **Nancy Mojica**, who provide valuable administrative support to all the Clinics.



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.

"Clinic is the perfect way to become practice ready because the students are expected to handle cases from beginning to end. As a 3L, I am so grateful for Clinic and what it has taught me. I could not get this experience anywhere else at Tech Law."

Austin Estelle
Civil Practice Clinic

Class of 2020-2021



Alexandra



Ashley



Austin



Gabrielle



Jarod



Michael



Michelle



Mikaela



Monica

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.

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

Fourteen students participated in the Advanced ADR Clinic during the Fall Semester: **Eric Baumgart, Will Davidson, Paige Farrimond, Bailey Hartman, Sarah Jo Lambert, Elliott Mason, Mariam Omodele, Drake Pamilton, Kayla Ryan, Trevor Sako, Nathan Spaulding, Lauren Trevino, Rachel Tyra, and Thomas Wendt.**

The semester began with four full days of mediation training during the week before classes began for the fall semester. The training looked quite different this year with mandatory face coverings throughout the week due to COVID. Successful completion of this 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. Over 250 hours of mediation were provided by the students over the course of the semester. The following is a breakdown of the types of cases mediated by students during the semester:

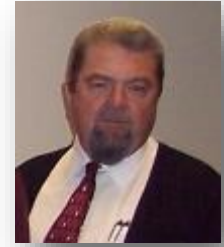
Debt Cases	48
Divorce	10
Neighbor Disputes	2
Child Custody	10
Juvenile Diversion	20
District Attorney Referrals	9
Family	6
Civil Suits	3

Justice of Peace	1
Theft	3
Landlord/Tenant	1
Adjudication Panel	3
Fraud	3
Personal Injury	1
Partition	1
Small Claims	3
Eviction	1
Property Damage	1
Contract Dispute	1
USDA	1

60% of the disputes resulted in agreement, 30% resulted in an impasse, and 10% were continued for an additional mediation session. Mediations even were different this year with parties to the mediation participating either in-person, by telephone, or via Zoom. Despite the challenges, students were able to conduct mediations through varying formats which likely will be the new normal moving forward.

In addition to the mediation of actual disputes, every student videotaped an introductory statement for a simulated mediation for individual critique, prepared reflection papers on mediations that they participated in, and submitted a research paper on topic related to alternative dispute resolution.

We enjoyed working with a group of enthusiastic students in developing their mediation skills which will prepare them well for 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 ADR course.

WORDS FROM OUR STUDENTS:

"Choosing to be a part of the Advanced ADR Clinic was one of the best decisions I made during law school. Being able to mediate and help people effectively communicate with each other was an invaluable and rewarding experience that I will forever cherish. Professor Spain and Mr. Gene were great teachers and everyone down at the Office Dispute Resolution office was amazing and so helpful. I am so grateful to have been a part of the Advanced ADR Clinic at Texas Tech Law."

Mariam Omodele
Advanced ADR Clinic

FALL 2020 CLASS



Bailey



Drake



Elliott



Eric



Kayla



Lauren



Nathan



Rachel



Paige



Sarah



Thomas



Trevor



William



Miriam

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

This semester, with the Covid-19 situation, has been one of many challenges and changes. The students have done an awesome job at adjusting to Clinic this year. The Family Law Clinic has had many of its hearing by zoom and a few cases in live court.

The following students were enrolled in the Family Law and Housing Clinic: **Leia Bates, Neely Brown, Logan Dorsett, Natalie Lewis, Gabriel Lively, Rachel Pungwe, and Dania Sadi.**

This Semester we had 12 Divorces: 4 divorces with children and 8 divorces without children. The highlight of these cases involved a deposition where Neely Brown and Gabriel Lively were able to depose the Respondent. We had a divorce that went to mediation and a contested final hearing. Finally, we had a grandparent access case where

the grandparent was seeking visitation of her grandchild. The grandparent had raised the child for most of the child's life.

In addition to the Divorce cases, we had 2 adoption cases. We were able to successfully get an adoption for grandparents who raised the child since the child was very small and grant their grandson's wish for adoption.

Finally, we had 3 probate cases for Determination of Heirship and we had 3 landlord-tenant cases. In one of the landlord-tenant cases, we were able to successfully terminate the lease and exercise constructive eviction. We were also able to obtain the needed repairs for another tenant.

Thank you to all the students for all the hard work this semester!!!



Professor Wendy Tolson Ross is currently teaching Family Law and Housing Clinic.

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.

Class of 2020-2021



Gabriel



Leia



Logan



Natalie



Neely



Rachel



Dania

CLINICAL PROGRAMS MANDATORY INFORMATION SESSION FOR 2021-2022 STUDENT SELECTION PROCESS SCHEDULED

Clinical Programs Mandatory Information Session

Wednesday, January 27th
Noon - 12:50 p.m.
Via Zoom

If you are interested in applying to participate in a clinic during the 2021-2022 academic year, **DON'T MISS OUT!** Make plans to attend this zoom session!

For More Information on clinic opportunities, selection policies, application form, and to watch the

clinic video, please visit:

<http://www.depts.ttu.edu/law/clinics-and-externships/clinics/index.php>

Listen to Clinic Directors discuss the clinical offerings and how the students spent the Fall Semester working with live clients and actual legal cases!

More information will be provided during the information session by all clinic directors. If you are currently a 2L student you will be able to apply to participate to any of the clinics. If you are currently a 1L student, you will be able to apply to the Advanced ADR Clinic.

Feel free to attend (via zoom) to find out more and to ask questions! Zoom link invitation will be sent prior to session.



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



Patrick Metzke 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 46 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.

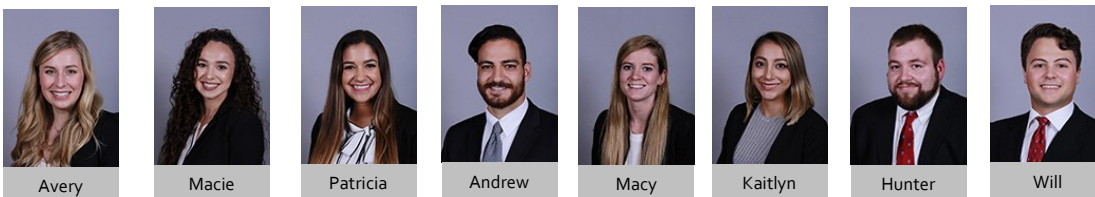
Just a short note to let everyone know the students in the Criminal Defense Clinic are, as always, busy representing real people in real cases in real time. This semester the students have handled or are handling 118 cases for 75 different clients. Students handle all phases of representation from initial 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 118 cases, 27 have been completed with 12 pleas of guilty and 15 dismissals for a 56% dismissal rate. These 118 cases represent 67 misdemeanors and 51 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: **Avery Aiken, Macie Alcoser, Patricia Cabrera, Andrew Gendi, Macy Jeffers, Kaitlyn Moreno, Hunter Sutterfield** and **Will Whitmer**. 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 (TCDLA) and the Lubbock 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 41st Annual Prairie Dog Lawyer Advanced Criminal Law Seminar next semester at the Law School, 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 for the poor while educating each student of the importance of such work.

Class of 2020-2021



"If you want hands on experience before you're thrown out into the real world, join a clinic. Even though CDC is by far the best (completely unbiased opinion), any clinic will help prepare you to go out on your own. Although Covid put a damper on things this year I still feel like I have more experience and leg up on those who did not join a clinic. Currently I have 6 clients, some with multiple charges. I get to handle their cases on my own and use my own judgement (granted, I do check in with my supervisors). Additionally, the clinic you join will become your family and you're going to form memories and friendships you'll never forget. If you're lucky you may be blessed with Dwight, Metzke, & Donnie as your mentors. Lastly, let's not forget the alpha women who make sure we all have our "ish" together; Elma, Nancy, & Lori always have your back and are willing to help you whenever you need it. They are the reason we function!!! Long story short, JOIN A CLINIC!"

Kaitlyn Moreno
Criminal Defense Clinic

FROM THE DESK OF DONNIE YANDELL
CAPROCK REGIONAL PUBLIC DEFENDER OFFICE



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.

The 2020-2021 Caprock Regional Public Defender Clinic has finished their first semester in clinic. This year's student attorneys were **Jessica Bebawi, Rodrigo Escobar, Quincy Ferrill, Kris Mincey, Brandon Reese, Avery Rios, Chloe Shrode and Aaron Wesson**. The student attorneys this semester have handled 78 cases. Eleven of those cases were felonies, 64 were misdemeanors and 3 were juveniles. The student attorneys closed 15 misdemeanors so far this year.

This year has been strange to say the least. COVID-19 has forced the clinics, along with the rest of the world, to change how we do almost everything. Unfortunately for the students, we have had limited opportunities to appear in court. Most of what we have been able to do "in court" has been via Zoom. On the bright side, this has taught the students to be creative in their representation of clients in extremely unique ways and as you might know, creativity in criminal defense often benefits clients.

This year started out with what we thought were going to be two contested hearings in the first three weeks. The first hearing was a contested juvenile detention hearing. The facts as they were presented to the student attorney were not good. I prepared her for what I thought was going to be a demoralizing loss resulting in her client being detained in a juvenile detention facility until his case was resolved. The detention hearing was held via Zoom with the client in detention in one county, his mother and the court in another county and the student attorney and I at the office. The hearing was a dumpster fire to put it mildly. We learned quickly that we would not willingly conduct another contested Zoom hearing based on this one. After about 45 minutes to an hour though, our client was released on conditions and allowed to return home to his

mother. Additionally, as a direct result of the student attorney's hard work on this case, the juvenile is still at home with his mother.

The second contested hearing was on a Motion to Revoke Probation. The student attorney and his 2nd chair had approximately one week to prepare for the hearing. The client was in jail and the State was not making an offer on the client's case. The student attorney requested a hearing on the allegations as soon as possible and the request was granted. We all appeared at the hearing and the State failed to have our client present. As a result, we were able to get our client out of jail. It was disappointing for the student attorneys to come so close to a hearing and not actually have it, but in the end, the client achieved his goals.

We currently have two clients' cases set for trial. We are not sure when these cases will go to trial due to the COVID situation, but we are busy preparing for those trials. I hope that there is a way to get them in front of a jury by the end of the Spring Semester, but it is not looking good on that front.

This semester we have worked cases as we can. The fact that we are unable to have in-person docket calls has limited a lot of what we can do for our clients. In a normal year, it is often difficult to contact clients unless they appear at a docket call. Since our clients are indigent, a lot of them do not have cell phones or even home addresses that stay consistent. With COVID and unemployment being so high, this has only exacerbated our clients' economic situations. Then, with the lack of in-person docket calls, this has taken another avenue of client contact away from us. Finally, even if we work out some type of plea agreement,

(continued on page 10)

Class of 2020-2021



Aaron



Avery



Brandon



Chloe



Jessica



Kristopher



Quincy



Rodrigo

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



Like most things due the COVID pandemic, Tax Clinic has been completely different during the Fall 2020 semester. We had 8 students in clinic, **James Aaron, Weston Allen, Lane Birkenfeld, Trevor Chilton, Cassandra Gonzalez, Bryan Greer, Logan Jones, John Moore, and Jacquelynne Steelman Mayes.** During the pandemic, the IRS has moved slower than ever in responding to pending filings and requests for new information. However, we continue to assist clients in working on their controversy matters in hopes we get a ruling one day. Hopefully, next semester the IRS will open up more campus with more employees so taxpayers can get faster resolution to their problems.

One main issue we'll continue to work on is trying to assist taxpayers get their stimulus check monies. These problems present themselves in variety of ways. The main issue is people who did not receive their checks even though the IRS shows the checks were delivered. Unfortunately, the IRS does not have many procedures in place to help resolve these matters. As we prepare for next year's tax preparation season, I expect to see more standardize solutions to become available.

Elma and I did not make our annual trip to DC. We are attending the granting by zoom spread out over two weeks. I look forward to going to DC in the future.

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.

Words From Our Students

"It has been a privilege to serve taxpayers through the Low Income Taxpayer Clinic. As soon as I step into the clinic the only thing that matters is finding ways to help my clients. Although it is not always easy, the faculty and staff in the clinical programs are incredibly helpful and knowledgeable. Participating in tax clinic and VITA have been the most rewarding experiences of my law school career."

Cassandra Gonzalez
Tax Clinic

"Clinic has been a great experience and has helped me develop one of the essential skills of being an attorney - client interactions. This aspect of lawyering is one that we are told throughout law school is very important, yet it can be hard to

come by experience in this area. The clinical programs have given me confidence that I am in the right field and I cannot wait to get into practice soon."

Trevor Chilton
Tax Clinic

"Clinic is a great opportunity to gain practical experience and interact with clients. Terri is very hands on but likes when students step out of their comfort zone to handle things themselves. I've learned a lot about handling cases and clients from all the clinic staff."

Logan Jones
Tax Clinic

Class of 2020-2021



Aaron



Allen



Bryan



Cassandra



Jacquelynne



John



Lane



Logan



Trevor



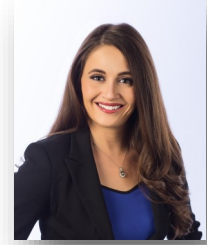
FROM THE DESK OF ALLISON CLAYTON — DIRECTOR, INNOCENCE CLINIC

The Innocence Clinic has already put in over 900 hours of work on its cases, and we are just halfway through. We ended the semester filing a petition for a writ of certiorari for one of our clients in the U.S. Supreme Court—a brilliant brief that reflects hundreds of hours of work from this year's and last year's students. This year I have **Daisy Contreras**, **Alex Natarajan**, **Kaitlyn Schiraldi**, and **Taylor Seaton** participating in the Innocence Clinic.

In addition to the SCOTUS petition work, this year's students have been doggedly investigating a slew of cases, almost all of which are homicides. They have explored the world of forensic sciences implicated by our cases, including bitemarks, arson, cell phone tracking, blood spatter, and abusive head trauma, just to name a few. This year

has been different because we cannot visit our clients, as all the prisons in Texas are locked down. But the students have adapted, becoming even better at comforting our clients from afar.

In addition to the immense amount of work represented by each court filing, the student attorneys spent hours upon hours reviewing transcripts, working with clients even in these limiting times, and tracking down witnesses, evidence, and documents in their cases. They did this work for the least of our society, without expectation of even a thanks, because it was the right thing to do, and this group of students only knows how to do things above and beyond and exceptionally well. Clinic student clients adore the students as each one learns more and more what it is to be a true advocate and counselor.



Allison Clayton is the adjunct professor of the Innocence Clinic and also 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.

Class of 2020-2021



Alex



Daisy



Kaitlyn



Taylor

"The Innocence Clinic is more than untangling wrongful convictions and fighting for exonerations, it is about humanizing our clients and persistently pursuing justice in a fragmented justice system. The Innocence Clinic has taught me intricacies of the law that doctrinal courses simply cannot teach. The passion Allison and my other clinic colleagues have in exonerating our falsely imprisoned clients makes me want to work harder. I do not regret for one minute taking on the challenges of the Innocence Clinic."

Kaitlyn Schiraldi
Innocence Clinic

RECENT CASES OF INTEREST

Mikaela Mitcham (Civil Practice Clinic) represented a 52-year-old individual who had been determined disabled in December, 2010 as a result of cirrhosis of the liver. During a continuing disability review, it was determined that her disability had ceased as of November, 2016 as a result of medical improvement in her condition. On appeal, the Administrative Law Judge determined that the claimant had other impairments, including peripheral neuropathy, asthma, chronic obstructive pulmonary disease,

generalized anxiety disorder, major depressive disorder, panic disorder with agoraphobia, and chronic migraine headaches which were disabling and prevented her from engaging in substantial gainful work activity. The effect of the decision was that her benefits were continued, and she will not be required to repay benefits she elected to continue pending the appeal. **Marc Limsiaco ('20)** represented the client at the initial ALJ hearing and **Mikaela Mitcham** represented the client at the supplemental hearing.

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.

LOW-INCOME TAXPAYER CLINIC CELEBRATES 20 YEARS!

by Elma Moreno

A bit of history on Community Outreach Coordinators and Administrative Student Assistants who have served the LITC: **Brett Gilmore**, a 3L student was hired as an Administrative Student Director to assist with the LITC during the Fall 2008 semester. Janie Gonzales resigned her position prior to the Fall 2010 semester at which time **Lesley Nall Washington** was hired as the LITC Community Outreach Coordinator. However, the following academic year she resigned her position



to pursue another job opportunity. At the beginning of 2011 summer sessions, **Meredith Nieto** joined the LITC as an Administrative Student Assistant and Community Outreach Coordinator. Meredith was a 3L student who took and passed the February 2012 bar exam, however, she continued as the LITC Clinic Fellow thru the summer 2012 sessions. **Nancy Mojica** joined the LITC prior to the Fall 2012 semester as the part-time community outreach coordinator until December 2020. She has been offered and accepted the position of Senior Business Assistant for the Clinical Programs beginning January 4, 2021!! Of course, I (**Elma Moreno**), have been involved with the LITC since October 2001 and am responsible for all grant reports, grant applications, and overseeing the community outreach activities, administrative duties and responsibilities!



The Tax Clinic was approved as a two semester academic clinic beginning with the 2005-2006 academic year. Students were required to enroll for both Fall and Spring semesters. The two summer sessions continued with students required to enroll for both sessions.



Professor Phelan retired at the end of 2007-2008 academic year after having supervised 68 students and 103 cases. Thereafter, **Professor Vaughn James** agreed to assume the duties and responsibilities as Clinic Director in May 2008 and continued until the Spring of 2014. However, due to a sabbatical taken by Professor James, **Professor Michelle**

Kwon assumed the jobs and responsibilities as an Associate Tax Clinic Director during the 2008-2009 academic year. Between both Professors, they supervised a total of 67 students and 230 new cases. During the summer of 2014, Clinic Fellow, **Terri Morgeson**, took on the reigns of LITC Clinic Director which she continues to do. The LITC was restructured and summer sessions were eliminated. To date, Professor Morgeson has supervised a total of 63 students and 302 new cases. An increase in Tax Court representation has also occurred since Professor Morgeson assumed the duties and responsibilities as Tax Clinic director.



In 2009 we were required to pay 46.5% F & A to the university which took a good portion of the grant awards we were receiving. However, in 2013 we were successful in reducing the F & A to 10% rate which helped us provide more access to low-taxpayers and additional community outreach. In 2013 we were also successful in receiving an \$85,000 award. Grant awards were changed for that grant period and controversy and ESL were not divided into two amounts. Although we continued to apply for \$100,000 grant award for several years, we were finally awarded \$100,000 for 2020 and have tentatively been awarded the same amount for 2021. During the past 20 years, the LITC has been awarded a total of \$1,554,275.00!!! Unfortunately although every effort is made to spend the grant award, not all funds were spent each year.

The LITC has continued to provide representation to taxpayers amid the pandemic and continue to save taxpayers thousands of dollars with controversy issues handled. Since the inception of the LITC and capturing of information for tax grant reports, the amount recovered/saved for taxpayers is \$1,609,871.53. The amount refunded to taxpayers is \$246,321.43. An estimated 250 students have participated in the LITC since it's inception representing a total of 728 cases not counting those who were only provided consultation and advice.

Congratulations LITC for 20 years of service!

WHERE ARE THEY NOW?

Sheena Teague (Civil Practice Clinic '20) - currently working as a staff attorney with Legal Aid of Northwest Texas—Amarillo office.

Adam Kougias (Family Law and Housing Clinic '20) - currently working as a staff attorney with Legal Aid of NorthWest Texas—San Angelo office.

Cristian Perez (Tax Clinic '20) - currently working as a staff attorney with Legal Aid of NorthWest Texas—Amarillo office.

Ashley Sosa (Civil Practice Clinic '20) - staff attorney at Texas RioGrande Legal Aid.

Alexa Rae Gist (Tax Clinic '20) - Cotton, Bledsoe, Tighe & Dawson PC in Midland, Texas.

Sara Jaeckle (Innocence Clinic '20) - Kemp Smith in El Paso, Texas.

Jon Harris (Criminal Defense Clinic '20) - Public Defender's Office in Clovis/Portales, New Mexico.

Jessica Aycock (Innocence Clinic '20) - associate attorney with Chad Jones Law, Lubbock, Texas.

Orion Hutchin (Tax Clinic '20) - practicing law in Lubbock, Texas.

Dana Dinkens (CRPDO '20) - associate attorney with Wetsel, Carmichael, Allen & Lederle LLP in Lubbock, Texas.

Elizabeth Balido (Criminal Defense Clinic '20) - associate attorney with Walters, Balido & Crain in Dallas, Texas.

THANKS TO FACULTY SUPPORTING PRO BONO

The Law School faculty traditionally co-sponsors Pro Bono Clinics held during the months of September and February in association with Legal Aid of NorthWest Texas. Due to COVID, in-person clinics were discontinued and replaced

with telephone clinics. Thanks to the following faculty with these intake clinics during the month of September: **Gerry Beyer** (1 clinic); **Wendy Ross** (2 clinics); **Rob Sherwin** (1 clinic); and **Larry Spain** (2 clinics).

FROM THE DESK OF DONNIE YANDELL

CAPROCK REGIONAL PUBLIC DEFENDER OFFICE (continued from page 6)

our clients do not have the equipment and often do not have the technological capabilities to appear via Zoom to resolve their cases. So far, most judges have been understanding and are working with us and our clients to adapt.

All of these student attorneys have done an excellent job. The student attorneys have logged over 2,000 hours working cases, often on their own time, in an attempt to represent their clients to the best of their abilities.

I would like to say that in several ways, I am disappointed that the student attorneys have not been able to have the same experience student attorneys from the past years' clinics have had. They have not been able to travel to court and the jails, they have not been able to have the same

contact with their clients that past years have had and they are not able to interact with prosecutors as clinics in the past have. On the other hand, this year's clinic has learned to adapt and overcome, they have learned to work problems from more of a disadvantage than normal and they have learned to see things from a different perspective. I think in some ways, and in the long run, this year's clinic will have learned abilities that previous years did not tap into. Again, due to the situation present as a result of COVID, the student attorneys are learning to be creative in ways never before seen. This can only benefit their future clients.

I hope you all have a great Thanksgiving, do well on your finals and then enjoy your winter break. I look forward to seeing all of you January!

CRPDO WELCOMES NEW SENIOR BUSINESS ASSISTANT LORI OBANDO

As you may recall, the Legal Assistant for the Caprock Regional Public Defender Clinic, Irma Shepler, resigned from Tech Law Clinical Programs at the end of the 2018-2019 academic year, however, she returned on a part-time basis to assist the CRPDO clinic. Well, Irma decided to retire full-time at the end of the summer 2020. She will be missed by all! **Lori L. Obando**, joined the Tech Law Caprock Regional Public Defender Office in August 2020 as a full-time Senior Business Assistant. Lori went to Tascosa High School in Amarillo, Texas, class of 2000. She completed a Diploma Coding Certification in

2011 in Medical Office Management specializing in Medical Billing at Vista College. She successfully ran a small therapy office for 9+ years before coming to Tech Law. She is a proud resident of Lubbock, married and mom of two boys, a Freshman at Baylor University and a 6th grader at Evans Middle School. In her spare time she likes to sing and play piano, as well as volunteering on the worship team at her church with her husband and youngest son.



WHERE ARE THEY NOW?

Catherine Baldo (Civil Practice Clinic '20) - associate attorney with litigation team at Cherry, Petersen, Landry & Albert in Dallas, Texas.

Mikaela Kee (ADR Clinic Fall '19) - Assistant District Attorney for Bailey and Parmer County in Muleshoe, Texas.

Brandon Ihle (Tax Clinic '20) - associate attorney in the Private Wealth Group of Husch Blackwell in the Dallas office.

Jodee Rankin (Civil Practice Clinic '20) - associate attorney for Fadduol, Cluff, Hardy & Conaway practicing personal injury law in Lubbock, Texas.

Noah Hearn (Tax Clinic '20) - associate attorney with Sanders Law Firm in Roswell, NM.

Lauren Ogle (ADR Clinic Fall '19) - associate attorney at Galloway Johnson Tompkins Burr & Smith in Houston, Texas.

WORDS FROM OUR CLIENTS

"We're very grateful for the legal assistance provided. Our gratitude for fighting and representing my sister and I by making sure the IRS would allow the original tax claim. We're very pleased with the outcome. Thank you very much to all parties involved in our case. Best regards."

Tax Clinic Client

"Thank you, Trevor. I appreciate all of your efforts and hard work. You were a delight to work with."

Tax Clinic Client

WORDS FROM OUR STUDENTS

"The Criminal Defense Clinic has been the highlight of my semester. While the situation this semester isn't ideal due to the pandemic, I am very thankful that I can do my clinic work in person. I literally don't know what to expect on any given day with my cases, which keeps my work exciting and engaging."

Hunter Sutterfield
Criminal Defense Clinic

"The Family Law and Housing Clinic has been such an amazing opportunity to represent real clients with real problems. The opportunity to appear in front of a Judge and advocate for your client is unparalleled. These experiences will propel me into a more confident practice after graduation."

Logan Dorsett
Family Law and Housing Clinic

"As a nontraditional law student, I was reluctant to get involved in any extracurricular activities unless I felt that they would actually improve my lawyering skills and growth as an attorney. The Civil Practice Clinic has allowed me not only to explore the role of a lawyer, generally, but has helped me determine the values I wish to embrace and live by in my legal career. Giving back to the City of Lubbock by representing indigent clients has been a fulfilling experience, and I am grateful for the opportunity to give back to a community that has given me so much during my time in law school."

Alexandra Rossetti
Civil Practice Clinic

"My clinic experience has been a whirlwind. I have participated in (and won) my first hearing (a juvenile detention hearing), which was awesome. I have learned more in the past few weeks than I ever knew I would or thought I could!"

Jessica R. Bebawi
CRPDO Clinic

"Being able to participate in the Caprock Regional Public Defender Clinic has been an invaluable learning experience and a privilege. I have greatly enjoyed learning how to handle a case and getting to bug Donnie from time to time! I'm incredibly grateful to Donnie, Pat, and Dwight for all that I've learned and for being selected."

Chloe Shrode
CRPDO Clinic

"My experience in CDC has been my favorite part of law school. I am being challenged every day, but I am learning so much. Clinic makes me feel like I am meant to be in criminal practice. I feel prepared to represent people because of the mentorship I have received through CDC."

Patricia Cabrera-Sopo
Criminal Defense Clinic

"My experience in the Civil Practice Clinic has been very rewarding. The Clinic has provided me with the opportunity to learn and practice

important lawyering skills that are difficult to learn in a classroom setting. More importantly, the Clinic has provided me the opportunity to represent indigent clients in our community. In some cases, we are the last line of protection for someone who is trying to maintain a minimum level of basic needs but cannot afford to secure legal representation."

Michael A. Samaniego
Civil Practice Clinic

"I thoroughly enjoy working in the Criminal Defense Clinic. It is very fulfilling to fight for these people and give them a voice in our criminal justice system."

R. William Whitmer
Criminal Defense Clinic

"The Caprock clinic has been a great experience and has taught me a lot about the practice of law. Donnie, Dwight and Pat have been great mentors and are always available in whatever ways needed. I would recommend anyone interested in doing criminal defense work to apply for the criminal defense clinics!"

Kristopher Mincey
CRPDO Clinic

"In the months I've spent with the Criminal Defense Clinic, I have learned how to be an attorney capable of thoroughly representing and zealously defending clients. However, this work is so much more than an opportunity to learn about the law. I have learned what it feels like to extend empathy to situations I never imagined encountering. I have learned the power in listening to a voice which has not ever been truly heard. And I have learned the need for attorneys who care about their clients lives more than they care about where the blame lies. For these lessons, I am forever indebted to my clinic professors and their wonderful team."

Avery Aiken
Criminal Defense Clinic

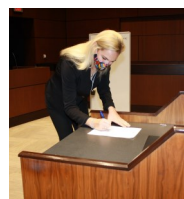
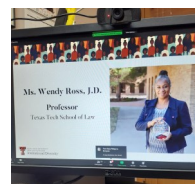
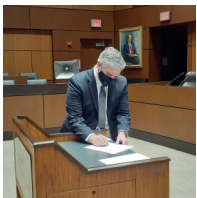
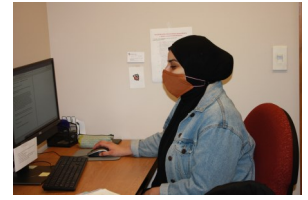
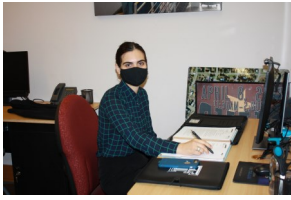
"Being a member of Caprock has without a doubt been the most rewarding part of my law school experience. Getting the chance to work with real clients and positively impact their lives is an experience unlike any other. I will forever be thankful for this opportunity, and I can't thank Donnie, Pat, and Dwight enough for giving me this chance, sharing their wisdom with me, and brightening up this COVID semester."

Quincy Ferrill
CRPDO Clinic

"Clinic has been a saving grace. I feel so lucky to be able to come into the office and see so many smiling (masked) faces every day compared to only interacting with my classmates over zoom. It has been incredibly rewarding to be able to help my clients and relieve some stress during this incredibly stressful time. Even though COVID has stopped the world, life goes on for our clients. It is an honor and a privilege to provide any assistance we can to make their lives just a little bit easier."

Mikaela Mitchem
Civil Practice Clinic

SNAPSHOT CORNER



LITC BLAST FROM THE PAST PICS!!



Spring 2002



Fall 2002



Fall 2003



Spring 2004



Fall 2004



Spring 2005



Summer 2005



2005-2006



Summer 2006



2006-2007



2007-2008



2008-2009



Summer 2009



2009-2010



Summer 2010



2010-2011



2011-2012



2012-2013



Summer 2013



2013-2014



Summer 2014



2014-2015



2015-2016



2016-2017



2017-2018



2018-2019



2019-2020

CLINIC DIRECTORS:

Larry R. Spain
 Director of Clinical Programs
 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
 Innocence Clinic

INSTRUCTORS:

Allison Clayton
 Innocence Clinic

Dwight McDonald
 Criminal Defense Clinics

Terri Morgeson
 Civil Practice Clinic

Gene Valentini
 Adjunct Professor
 Advanced ADR Clinic

Donnie Yandell
 Chief Public Defender
 Caprock Regional Public Defender Office

STAFF:

Elma Moreno
 Office Manager/Legal Assistant

Lori Obando
 Senior Business Assistant for CRPDO

Nancy Mojica
 LITC Community Outreach Coordinator

Selection process for Students Interested in Participating in the Clinical Programs during the 2021-2022 academic year will begin in late January! Mandatory Information Session is scheduled for January 27, 2021 via Zoom. Watch for announcements in January and visit the clinic website at <http://www.law.ttu.edu/acp/programs/clinical/> for more information!

**FROM THE
 CLINICAL PROGRAMS
 FACULTY AND STAFF**



**CONGRATULATIONS TO ALL WHO PASSED THE TEXAS AND
 NEW MEXICO BAR EXAMS
 AND CONGRATULATIONS DECEMBER GRADUATES!!**



**SEARCH TTU SCHOOL OF
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CLINIC NEWS
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