



SPRING 2020

CLINIC NEWS

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

CLINICAL PROGRAMS HOST INFORMATION SESSION AND COMPLETE SELECTION PROCESS

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The Clinical Programs hosted an information session and completed their selection process for 2020-2021 academic year prior to having to work remotely from home due to the COVID-19 pandemic! An information session was held on Wednesday, January 22nd, for students interested in applying to participate in one of the clinical courses during the 2020-2021 academic year. The student selection process begins in late January or early February of each Spring semester to fill all slots available in the clinical programs. A total of 54 slots needed to be filled for the 2020-2021 academic year.

- Civil Practice Clinic
- Criminal Defense Clinic
- Caprock Regional Public Defender Clinic
- Family Law/Housing Clinic
- Innocence Clinic
- Tax Clinic



A total of 105 students attended the information session and by the end of the application deadline **67 students applied** to participate in one or more clinics. All slots were filled. Unfortunately, only students who applied to just one clinic were not accepted.

Clinic directors provided information on the following clinics:

- Advanced ADR Clinic (Fall 2020 semester)

CONGRATULATIONS to the 2020-2021 clinical program students! We are looking forward to having you in the clinics. See you during Clinical Programs orientation!

CHARLSIE MOORE ADR AWARD



James Brooks

The Dispute Resolution Center of Montgomery County, Inc., a non-profit, volunteer organization in Conroe, Texas originally formed by the Montgomery County Bar Association which provides mediation and conflict resolution training to individuals, businesses, agencies, and the courts, funds a scholarship award in honor of a long-time member of their Board of Directors, **Charlsie Moore**, to recognize the top student in the Advanced ADR Clinic for their demonstrated mediation skills. The recipient of this award, selected by the faculty teaching the Advanced ADR Clinic, is **James Brooks**, who will receive a scholarship award and have his name inscribed on a permanent plaque displayed in the law school.



On behalf of the Clinical Programs Faculty and Staff we thank the students for everything they have done and providing high quality representation to their clients! For more information on the Clinical Programs, please visit:
<http://www.depts.ttu.edu/law/clinics-and-externships/clinics/index.php>



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

I had an incredible group of students this year in the Civil Practice Clinic: **Eleanor Anderson, Catherine Baldo, Kevin Colpoys, Angela Estrada, Marc Limsiaco, Karla Pizarro, Jodee Rankin, Sheena Teague, and Luke Wallace.** Each of these students took very seriously their professional responsibility for representing their clients and worked extremely hard as advocates to accomplish their client's objectives. Despite having to work remotely for the final weeks of the Spring semester, they were able to keep working on each of their assigned cases and conclude many of them. It is gratifying to observe the development of their lawyering skills while participating in the Clinic that they will carry forward throughout their professional careers. Each of them have gained confidence in representing clients and are now prepared to practice law. I have enjoyed working with each of them and expect great things from them in the future.

Over the course of the spring semester, a total of 28 new client cases were undertaken, 14 cases were completed and closed, and 23 cases remain open and will be carried over to the next academic year. Each of the students, in addition to being exposed to a variety of legal problems involving low-income clients through the evening Pro Bono Clinics, participated in the Night Court Divorce Project and were kept busy with an individual caseload of 4-5 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 estate planning, consumer disputes, and other civil matters.

I also wish to acknowledge the valuable assistance of **Terri Morgeson, Elma Moreno, and Guadalupe Gurrola** and their contributions to the success of the Civil Practice Clinic and their service to students. In addition to directing the Low-Income Taxpayer Clinic, Terri has worked closely with each of the students in the Civil Practice Clinic, making herself available for questions and individual assistance, supervising them on select individual cases, and accompanying them to court or mediations, when necessary. And, of course, Elma Moreno and Guadalupe Gurrola have provided valuable administrative support for the students in all the Clinical Programs.

CIVIL PRACTICE CLINIC

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



Pictured L to R:

Standing: Sheena Teague, Jodee Rankin, Karla Pizarro, Eleanor Anderson, Luke Wallace, and Kevin Colpoys

Sitting: Angela Estrada, Marc Limsiaco, Catherine Baldo, and Professor Larry Spain



"I am incredibly grateful for having the opportunity to practice law in the Texas Tech School of Law Civil Practice Clinic. The Clinic's hands-on approach to the practice of law has given me the opportunity to strengthen my skills as an attorney and has allowed me to give back to the community. This has been the most rewarding experience of mine throughout my time at Texas Tech School of Law."

Luke Wallace
Civil Practice Clinic

Congratulations to the following students selected for the **Civil Practice Clinic** for the 2020-2021 academic year:

Gabrielle Bechyne, Austin Estelle, Ashley Harrison, Shirley Michelle King, Mikaela Mitcham, Monica Reyes Ibarra, Alexandra Rossetti, Jarod Russell, and Michael Samaniego



From the Desk of Wendy Tolson Ross - Family Law and Housing Clinic Director

This semester the following students were enrolled in the Family Law and Housing Clinic: **Juan Calvo, Sydni Emery, Clinton Jones, Adam Kougias, William Roberts, and Vanessa Rubio.** We had an interesting semester given the fact that students were forced to deal with Covid-19 in the middle of the semester. This required many students to finish and complete their cases by zoom hearings and one case by affidavit, which is a first for this clinic. The Covid-19 pandemic created lots of challenges for the students. However, they were able to successfully overcome and handle these obstacles.

This Spring Semester we had 21 Divorces: 11 divorces with children and 10 divorces without children. Two of these cases are very contested and have required the students to request discovery from the opposing party.

In addition to the Divorce cases, we had two (2) termination hearings. We were able to

successfully terminate the rights of the parents. One case involved grandparents who has raised the child since the child was very small.

We had two (2) probate cases for Determination of Heirship. Both of these cases involved a house. The probate proceeding will help the client to be able to transfer home ownership of the house.

Finally, this semester we have had some cases outside of divorce and probate. We have an Enforcement of Visitation and a Petition for Support of an Adult Disabled Child. The Enforcement case involved a father who is trying to enforce visitation orders for his children. The mother is willfully ignoring the court order for visitation. We also have a Petition to extend child support for an adult disabled child, who is severely disabled, past high school. The disabled child is about to graduate high school and it is necessary to extend the child support to take care of the child.

Congratulations to all the students on graduating from law school. Thank you for all the hard work and I wish you well in the future.

FAMILY LAW and HOUSING CLINIC

This is a full-year 12 credit hours (6 per semester—2 for classroom component and 4 for case work) course limited to 8 students. Students accepted into the clinic must be registered for both Fall and Spring semesters.

Students assume primary responsibility under faculty supervision of all phases of representation in assigned cases in family law and housing matters. The course focuses on the development of professional skills and values in a closely supervised clinical setting, including interviewing and counseling, case analysis and planning, problem solving, fact investigation, negotiation and mediation, document drafting, written and oral advocacy.

Classroom component will provide instruction in substantive and procedural law applicable to cases handled by the Clinic as well as ethical issues and professional values; professional skill development; and case rounds.



"Clinic has been an ultimate blessing. It has opened up the opportunity to apply what I have learned in class to the real world. The experience you gain, the lessons you learn, and the people you meet is why being part of the Family Law and Housing Clinic is such a blessing."

Sydni Emery

Family Law and Housing Clinic



Pictured L to R:

William Roberts, Vanessa Rubio, Professor Wendy Ross, Juan Calvo, Clinton Jones, Adam Kougias, and Sydni Emery

Congratulations to the following students selected for the **Family Law/Housing Clinic** for the 2020-2021 academic year:

Mary Akapo, Leia Bates, Neely Brown, Logan Dorsett, Natalie Lewis, Gabriel Lively, Rachel Pungwe, and Dania Sadi



From the Desk of Terri Morgeson - Director, Low-Income Taxpayer Clinic

As with most things in 2020, the LITC class of 2019 – 2020 will be one not easily forgotten. The students in the LITC were **Phillip Arendall, Christopher Egbunike, Brandon Ihle, Noah Hearn, Orion Hutchin, Cristian Perez, J. Riggs, Daniel Stone** and **David Penn**. Although **Alexa-Rae Gratton** was a student for the Fall semester, the Spring semester was my first all male clinic class. This class also handled more cases in the history of TTU LITC. We took on 67 new cases during the school year. Additionally, this class is memorable because of COVID shut down. I taught class for the first time via zoom and the students worked from home. We maintained our current caseload and strived to represent our clients during IRS

shut down but also during the distribution of the economic impact payments.

Despite the struggles, the students and I helped people understand their qualifications for the stimulus check. Prior to the shutdown, we continued to help clients with controversy issues. One specific win was with a client who I inherited from the previous clinic director. I promised this client I would not quit filing things until the IRS discharged her debt. Although innocent spouse had been previously ruled out for this client, we filed anyway knowing it was the last resort for her. After reviewing the case, the IRS agreed and discharged over \$64,000 worth of debt. Our client was beyond ecstatic. She never lost faith in us and we never lost faith in her.

I wish I had more time with students but this is not our reality. I hope the lessons learned in clinic will carry these students to a successful legal career.

LOW-INCOME TAXPAYER CLINIC

This is a full-year 10 credit hours (5 per semester—2 for classroom component and 3 for case work) course limited to 8 students. 2-4 students can possibly be accepted for both summer sessions and students earn a total of 4 credit hours (2 per session).

The Low-Income Taxpayer Clinic was formed in April 2000 to provide professional skills training to law students and to provide law students the opportunity to gain practical experience in administrative proceedings before the Internal Revenue Service and in judicial proceedings before the United States Tax Court. The clinic serves residents in the West Texas Panhandle area of Texas and Eastern New Mexico by offering representation to taxpayers who are unable to obtain professional tax counsel. Students develop important lawyering skills by interviewing and counseling clients, conducting factual investigations, legal research and analysis, negotiating compromises, drafting documents and litigating. Students are responsible for their own caseloads but are closely supervised by the clinic director. The director of the clinic assists the students in all phases of their clinical education.



The TTU Low Income Taxpayer Clinic began its 20th year of operation in 2020 with a \$100,000.00 tax grant award. The Internal Revenue Service has awarded nearly 12 million dollars in matching grants to 131 Low Income Taxpayer Clinics (LITCs) for the 2020 grant cycle (January 1 thru December 31, 2020).



Pictured L to R:

Standing: Cristian Perez, Daniel Stone, J. Riggs, Christopher Egbunike, Orion Hutchin, David Penn, and Phillip Arendall

Sitting: Noah Hearn, Professor Terri Morgeson, and Brandon Ihle



***Congratulations
Daniel Stone —
2020 Edward R.
Smith and
Norton Baker
Tax Award***



"Being a Student Representative in the Low Income Tax Clinic has been an unforgettable experience. When I first started out, I was understandably nervous, and felt uncertain about if I could be an effective advocate for my clients. However, through hard work, perseverance, and the expert guidance of Professor Morgeson, I've grown as an advocate and learned so much more than I could have expected. I'm eternally grateful for her, and this opportunity, and I look forward to applying the work ethic and skills I've learned from clinic to my future legal career."

Christopher C. Egbunike
Tax Clinic

Congratulations to the following students selected for the ***Low -Income Taxpayer Clinic*** for the 2020-2021 academic year:
James Aaron, Weston Allen, Lane Birkenfeld, Trevor Chilton, Cassandra Gonzalez, Bryan Greer, Logan Jones, John Moore, and Jacquelynne Steelman-Mayes



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

As is our custom, the students in the 2019-2020 Criminal Defense Clinic were busy all year representing real people in real cases in real time. This year, the students handled 110 cases for 83 clients. Of these cases, 20 are still pending, 45 were disposed of through some type of negotiated plea, and 45 cases were dismissed. Cases consisted of 87 misdemeanors and 23 felonies. This is an average student case load of over 15 cases and almost 12 clients per student, which is well in excess of the clients and cases promised in the clinic catalogue. These numbers do not take into consideration the 39 cases for 32 clients which were handled by the student attorneys during the year and transferred to other attorneys, mostly at the end of the year when the students ran out of time. Students handled all phases of representation from initial interview through appearance in court. Members of the clinic represented clients in the Lubbock Municipal Court, before the Justice of the Peace, in the Magistrate Court, in both Lubbock County Courts at Law, and in all three felony District Courts of Lubbock.

Clinic students during the Spring semester were: Elizabeth Balido, Jay'Neisha Davis, Jeffrey Delman, Jon Harris, Christopher Roach, Brianna Weis and Sidney Wiltshire. Please congratulate every one for all their hard work. These students are trained and ready for the practice of criminal law. During the school year, these students performed almost 3000 hours of pro bono representation of the poor. I am grateful for the tireless and invaluable help of Professors Dwight McDonald, Donnie Yandell, and Terri Morgeson who helped guide the students all year. The wide variety of cases, along with the collaborative nature of our clinics, gives the students exposure to the daily challenges of the criminal defense practitioner well in advance of graduation. Most students agree their clinical experience ranks among their best experiences in law school. During the weekly two-hour classroom component, students shared with each other their accomplishments on their cases, their goals, fears and concerns. By freely sharing and participating in these open class discussions, students assisted each other in the learning experience and helped formulate strategies, themes and theories of their cases, while learning to perform very complicated and sophisticated legal analysis. Collaborative class discussions were often very spirited and were always an enjoyable exchange of ideas. We are there to learn and enjoy our work. Several

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CRIMINAL DEFENSE CLINIC

This is a full-year 12 credit hours (6 per semester - 2 for classroom component and 4 for case work) course limited to 8 students.

Students accepted into the clinic must be registered for both Fall and Spring semesters. The CDC provides a community service by representing defendants in criminal cases who would otherwise be unable to afford their own legal representation.

Cases involve misdemeanors, felonies, and juvenile offenses in Lubbock County and the surrounding metropolitan area.

Prerequisites include: Students must be 3L status, not be on academic probation, and have taken Evidence, Criminal Procedure, and Professional Responsibility.

Recommended 3L courses include Texas Criminal Procedure, Trial Advocacy, and/or moot court or mock trial experience.

Students may not be concurrently enrolled in this class and another clinic or externship; all other qualifications being equal, students with no prior clinical or externship for credit experience are given preference for placement in the CDC; students may not have outside employment if enrolled in this clinic, however, exceptions can be made; and students may not sit for the February bar exam.



Congratulations to the following students selected for the **Criminal Defense Clinic** for the 2020-2021 academic year:

Avery Aiken, Macie Alcoser, Patricia Cabrera-Sopo, Andrew Gendi, Macy Jeffers, Kaitlyn Moreno, Hunter Sutterfield, Jr., and Robert Whitmer

Pictured L to R:

Standing: Professor Dwight McDonald, Jon Harris, Christopher Roach, Jeffrey Delman, and Professor Patrick Metze

Sitting: Sidney Wiltshire, Elizabeth Balido, Jay'Neisha Davis and Brianna Weis



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

The 2019-2020 Caprock Regional Public Defender Clinic has completed their year in the trenches and the student attorneys are about to graduate. This semester's student attorneys were **Felicia de Leon, Morgan McNabb, Dana Dinkens, Chase McCullough, Michael Rinehart** and **Rebecca Sanders**. The student attorneys handled 148 cases and closed 44 of those cases. Of those 148 cases, 6 were felonies, 7 were juveniles and 135 were misdemeanors.

The student attorneys represented clients in all manner of cases including Driving While License Invalid, Driving While Intoxicated, Theft, Harassment, Possession of Marijuana, Evading Arrest, Failure to Identify, Assault, Violation of Protective Order, Graffiti, Resisting Arrest, Criminal Trespass, Terroristic Threat, Boating While Intoxicated, Unlawful Restraint, Deadly Conduct, Escape, Burglary of a Motor Vehicle, Possession of a Controlled Substance and Unauthorized Absence from a Correctional Facility to name a few.

I would like to remind those reading this that the students were unable to meet with clients nor negotiate with prosecutors face to face due to the Coronavirus, which at this time is still

wreaking havoc on our judicial system due to social distancing and the courts being closed. Since the students returned from Spring Break, they have not been allowed in the law school or to travel to court or a prosecutor's office. All the work that they have accomplished since then has been via telephone or videoconferencing. In fact, as far as I know, three CRPDO students were the first at the law school to hold hearings via videoconferencing and among the first in the state to do so.

As evidence of the CRPDO student attorneys' dedication and willingness to go above and beyond, the weekend before classes were to resume after Spring Break, Governor Abbott issued an Executive Order, Executive Order 13. In effect EO-13 repealed several laws or severely hampered their intended use. One of those laws, CCP Art. 17.151, involves the release of people in jail and charged with crimes due to a delay in prosecution. This order was issued on a Sunday morning and by that evening, I was on a videoconference with three student attorneys that began working on a Writ of Habeas Corpus for the release of a client that would have normally been released the following week under 17.151. Eventually the entire CRPDO class was involved in researching issues, drafting the writ and discussing the issues with the client via the telephone. Unfortunately, we were unable to argue the writ because the prosecutor made a last-minute offer that the client could not refuse in his situation.

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CAPROCK REGIONAL PUBLIC DEFENDER CLINIC

This is a full-year 12 credit hours (6 per semester - 2 for classroom component and 4 for case work) course limited to a maximum of 8 students. Students accepted into the clinic must be registered for both Fall and Spring semesters. The CRPDO provides a community service by representing defendants in criminal cases who would otherwise be unable to afford their own legal representation. Cases involve misdemeanor and juvenile offenses in a 10 county region. Students are closely supervised by Donnie Yandell.

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

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

Pictured L to R:

Standing: Professor Donnie Yandell, Sam Robbins (Fall 2019 only), Chase McCullough, Michael Rinehart, and Professor Patrick Metze

Sitting: Rebecca Sanders, Dana Dinkens, Felicia de Leon, and Morgan McNabb



Congratulations to the following students selected for the **Caprock Regional Public Defender Clinic** for the 2020-2021 academic year:

Jessica Bebawi, Rodrigo Escobar, Quincy Ferrill, Kristopher Mincey, Brandon Rex Reese, Avery Rios, Chloe Shrode, and Aaron Wesson

From the Desk of Patrick S. Metze - Director, Criminal Defense Clinic (continued from page 5)

learning environments are available to the students, including mandatory office hours leading to collaborative learning. The students work in close proximity, sharing ideas and developing strategies while keying off the knowledge of their peers. It is my hope this becomes a custom that will follow them into practice as the criminal defense bar freely shares knowledge and experience with younger attorneys. Other experiential learning was courtesy of the criminal defense bar from throughout Texas and the United States. Thanks to the pandemic, the CDC was prevented from participating in the Law School's annual chili cookoff—a departmental tradition. Nevertheless, the CDC continues with bragging rights that it produces the “best real chili” at the cookoff—even though the judges are often wrong. The Lubbock Criminal Defense Lawyers Association Clifford Brown Award for 2020 was awarded to Jeff Delman for his “excellence in the art and science of criminal defense advocacy.” I only wish I had awards for all the students—they all deserve one. There was significant effort and professionalism shown

this year by all members of the Clinic. I hope the experience was meaningful and a jumpstart to a successful practice in criminal law. Additionally, all my students showed a real interest in pro bono work and I know that such a commitment to the poor will continue throughout their entire careers. Or, at least it better. Also, it is my sincere wish that each student remembers Texas Tech Law fondly with particular affection for their clinical experience. As I tell the students, practicing law is about treating each client as a valuable individual, doing their very best for each client one at a time, representing that client to the best of their ability, and ethically seeking Justice by holding the State to their burden. Preparation is the key. Remember to RGDS and all you need is that Gold Card. While studying for the Bar this summer, no drama, pass the Bar and stay in touch. Come back often.



***Congratulations
Jeffrey Delman—
2020 LCDLA
Clifford Brown
Award Recipient***

From the Desk of Donnie Yandell - Caprock Regional Public Defender Clinic (continued from page 6)

Finally, this year's winner of the Robert J. and Ann Burbridge Award was Rebecca Sanders. This year's decision was probably the toughest I have had to make. There were several contenders and three extremely close contenders. At one point, the award could have easily gone to one of the contenders but when the decision was finally made, Ms. Sanders was the person chosen. This is a testament to the entire class, and I want to thank each of them for working so very hard on their cases this year.

In closing, I would like to say that this has been an interesting year. We have run into two or

three issues that are extremely rare and time consuming. We have had to deal with the changes both procedurally and legally that resulted from the pandemic and Mr. Robbins graduated in December causing the student attorneys to have to adjust to a new dynamic and the loss of Mr. Robbins as someone they could use as a sounding board. I am very proud of each of you and I hope each of you do well on your finals and study hard for the bar exam. I know all of you have the ability to pass and I look forward to you doing so. As always, you know where I am if you need something!



***Congratulations
Rebecca Sanders —
2020 Robert J. and
Ann Burbridge
Award Recipient***

ADVANCED ADR CLINIC

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

Congratulations to the following students selected for the ***Advanced ADR Clinic*** for the 2020 Fall semester:

Eric Baumgart, William Davidson, Wellesley DuBois, Rebekah Paige Farrimond, Bailey Hartman, Sarah Lambert, Elliott Mason, Mariam Omodele, Drake Pamilton, Kayla Ryan, Trevor Sako, Nathan Spaulding, Lauren Trevino, Rachel Tyra, and Thomas Wendt



From the Desk of Allison Clayton - Director, Innocence Clinic

The Innocence Clinic worked upwards of 1700 hours this year! We visited 10 clients in 7 different prisons in locations ranging from the coast all the way up to right here on the Plains. Ninety percent of our cases involve homicide—many times multiple homicides in one case. The students worked on briefs for filing in district court, the Court of Criminal Appeals, and the U.S. Supreme Court. In the highlight of the year, one of our clients, incarcerated since the 1980s, actually walked out of prison and into the arms of his family.

In addition to the immense amount of work represented by each court filing, the student attorneys spent hours upon hours reviewing transcripts, working with and visiting clients, and tracking down witnesses, evidence, and documents in their cases. We tracked down witnesses and attorneys, argued over various legal and factual theories, learned new things together; we experienced the highest of highs and the lowest of lows. Even when they were physically locked out of their office, the students did not miss a beat in working for their clients. The students 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 and their professor adore the students for what they have learned and done this year and for their futures as true advocates and counselors.

The Innocence Clinic Award was established this year thanks to the generous support of Dean Jack Nowlin and has been awarded to former students since the inception of the clinic, as well as current student!

Congratulations **Ashleigh Hammer** (2016-2017), **Chris Nisthuz** (2017-2018), **Joelle Gonzalez** (2018-2019) and **Jessica Aycock** (2019-2020)!



Pictured L to R:

Standing: Professor Allison Clayton, Professor Patrick Metzger, and Jessica Aycock

Sitting: Sara Jaeckle, William Keffer, and Tracie Dionne

Congratulations to the following students selected for the **Innocence Clinic** for the 2020-2021 academic year:

Daisy Contreras, Alex Natarajan, Kaitlyn Shiraldi, and Taylor Seaton

INNOCENCE CLINIC

This is a full-year 12 credit hours (6 per semester - 2 for classroom component and 4 for case work) course limited to 4 students.

Students accepted into the clinic must be registered for both Fall and Spring semesters. The *Texas Tech Innocence Clinic*, working in conjunction with the Innocence Project of Texas, provides a clinical opportunity to students interested in post-conviction appellate criminal law. The Texas Tech Innocence Clinic provides legal representation and investigative services to individuals seeking to prove their innocence of felonies for which they have been convicted.

Prerequisites include: Students must be 3L status, not be on academic probation, and have taken Evidence, Criminal Procedure, and Professional Responsibility.

Recommended 3L courses include Texas Criminal Procedure, Trial Advocacy, and/or moot court or mock trial experience.

Students may not be concurrently enrolled in this clinic and another clinic or externship; all other qualifications being equal, students with no prior clinical or externship for credit experience are given preference for placement in the clinic; students may not have outside employment if enrolled in this clinic, however, exceptions can be made; and students may not sit for the February bar exam.



"The Innocence Clinic has been one of the best experiences of my life. Allison put so much time and effort into teaching us about the writ process and how to help our clients. These are skills that I will be able to use for the rest of my career. I am forever grateful for this experience because it has changed my life. Thank you, Allison, TTU Law Clinics, and Tech Law!"

Jessica Aycock
Innocence Clinic



From the Desk of Patrick S. Metze - Capital Punishment Clinic

The Regional Public Defender for Capital Cases office welcomed it's twelfth Capital Punishment Clinic this past Spring semester. This office is the only statewide defender for capital cases with eight regional offices throughout Texas. Our clients are, each of them, in the unenviable position of prolonged incarceration, generally single celled, alienated from family with little hope of eventual release. This semester three students were chosen from those that completed the Fall 2019 Capital Punishment Seminar. Completion of the seminar indoctrinates the chosen students into the unique world of the capital defender. The students chosen this year were **Katie Langford, Samuel Fox** and **Joshua Logsdon**. They were immediately assimilated into the framework of not only the capital trial teams assigned to each case, but into the entire fabric of the office. They were instructed in the various office protocols, as well as the roles of the fact investigators, the mitigation specialists, and the line attorneys. With that limited exposure, they were quickly utilized by all of the RPDCC staff and morphed immediately from observer to valued contributor. Assignments included the mundane (research and drafting motions), spending time with clients in jails,

the nerve wracking, and the exhilarating. Biweekly office staffings are a critical communication technique utilized by the RPDCC. Each case is thoroughly discussed, and various strategies vetted with all staff members participating. The student attorneys not only attended the staffings, but were a regular contributor to the development of the mitigation and litigation plans for each client. They were a real part of the team. This is a very unique opportunity given to only a few to view a capital trial from the defense perspective. Whereas the RPDCC focused on the "how to" aspect of defending the capital case, many discussions emphasized the "why" aspect -why the defense teams function in a particular way. Methodology and its underlying foundation is critical to the success of the capital defense practitioner, and is literally a matter of life and death for the client. During the semester the students saw progress in many capital cases and fully participated as members of the trial teams. As a result of winning the 2013 University Departmental Award for Teaching Excellence given by the University Teaching Academy and the University Provost, each year we treat the school to lawyers, teachers, storytellers, and activists committed to the rights of the individual. In February 2020, world famous anti-death penalty advocate, Prof. David Dow of Houston, spoke to the students on their role in the administration of Justice. Although the semester was interrupted by the demands of social distancing, the students worked from home and each completed a major project to be used in the defense of a RPDCC client.



"Participating in the Capital Clinic and working with the Lubbock Offices for the Regional Public Defenders Office was an invaluable experience. Every week, I was able to sit in on the team's strategy session, hear the team discuss what we know, what we need to know, and the tasks we need to accomplish to get to where we need to be."
(see page 13 for full comment)

Katie Langford, Capital Punishment Clinic



Katie
Langford



Samuel
Fox



Joshua
Logsdon

WHERE ARE THEY NOW?

Alexa-Rae Gist (Tax '19) - is working with Cotton, Bledsoe, Tighe, and Dawson PC in Midland, Texas.

Matthew Johnson (CDC '19) - started his own practice at the Law Office of Matthew S. Johnson, PLLC.

Shelby Broaddus (Civil Clinic '19) - Associate Attorney at Jackson Lewis P.C., Dallas/Ft. Worth area.

Blake Scott (Civil Clinic '19) - works for attorney Dean Boyd PLLC, Lubbock, Texas.

Jesse Kizewski (ADR Clinic Fall '18) - Associate Attorney at Bergquist Law Firm, Lubbock, Texas.

Amanda Byrne (Capital Punishment Clinic '19) - licensed to practice in Colorado—works for 4th Judicial District Attorney's office in Colorado Spring, Colorado.

Ellen Sorrells (CDC '19) - Judicial law clerk at United States District Court for the Northern District of Texas, Fort Worth, Texas.

Carlos Armendariz (Tax Clinic '18) - Associate Attorney at Law Office of Jeanne Morales, El Paso, Texas.

Joshua Radabaugh (Tax Clinic '18) - Staff Counsel at GEICO, Universal City, Texas.

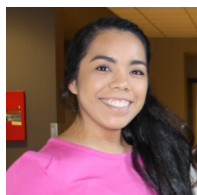
Joseph Austin (Tax Clinic '16) - Associate Attorney at Padfield & Stout, LLP, Fort Worth, Texas.

RECENT CASES OF INTEREST

Luke Wallace represented a 45-year-old individual with the following impairments: combined systolic and diastolic heart failure; non-ischemic cardiomyopathy, coronary artery disease, hypertension, and left ventricular apical thrombus. After a hearing before an administrative law judge, the individual was determined disabled and entitled to benefits retroactive to his date of onset, July 24, 2019.



Angela Estrada represented a 53-year-old individual with the following impairments: bilateral carpal tunnel syndrome, bilateral cubital tunnel syndrome, hypertension, degenerative joint disease of the lumbar spine, bipolar disorder, and agoraphobia. After a hearing before an administrative law judge, the individual was determined to be disabled and entitled to benefits retroactive to June 18, 2018. The client received a back award of \$10,734.00 as well as monthly benefits of \$767.00.



Marc Limsiaco also represented a client before an administrative law judge with a decision still pending.

Sergio Herrera (Class of 2018) and **Mason Leal** (Class of 2019) had represented a taxpayer who improperly claimed nephews and was denied the Earned Income Credit, filing status, and child tax credit. He was subsequently assessed an increase in tax liability, an understatement liability, and interest for the 2015 tax year. However, due to his financial situation he was unable to eliminate the entire liability in the form of a lump sum or monthly payments. The LITC successfully submitted an Offer in Compromise which was finally accepted for \$1.00 thus eliminating his liability of \$12,526.84.

Frances Tubbs (Class of 2017) and **John Davis** (Class of 2018) represented a taxpayer who began raising his niece and nephew when his sister and brother-in-law went to federal prison. The LITC was able to successfully prove Earned Income Credit, Child Tax Credit, filing status and dependent exemption. It was a bit difficult because house had to be probated and utilities were in his deceased mother's name. Obtained a favorable tax court decision. Taxpayer received refund of \$6,413.

Andrew Craven (Class of 2019) represented a taxpayer who had a foster child from September 2015 to August 2016. The IRS disputed the fact that taxpayer did not have the child for more than half the year and did not provide more than half of the child's support. The child was special needs and she received foster support payments. Case was filed in Tax Court and court decision was entered. No deficiency which saved taxpayer taxes and penalties.

Brandon Ihle represented a taxpayer who was a 32 year old single mom who had her refund frozen for 2017 but she was not sure why. She did not receive any other notices after the first one was dated March 2018. Her apartment had burned down and noticed continued to be mailed to that address although she never received them. After working with the IRS for several months, providing a current address, a refund trace, taxpayer finally received her refund of \$9273.40.



J Riggs represented a taxpayer has terminal cancer and sold just about all she owned in 2017 and 2018 to pay for her cancer treatments. Issue involved her withdrawing her 401K to pay for medical expenses dating back to 2014. Her tax liability was over \$6,000 when she sought our services. Although tax return for 2016 had been prepared and sent to the IRS, they were unable to locate. Students prepared and submitted on her behalf once again and taxpayer was placed on CNC thus allowing her to move on without any worries or stress.



Another case of interest in Tax Clinic included an elderly couple who prepared their own tax return for 2018 and accidentally included social security income as taxable income. They also used the wrong standard deduction. Had not used the over 65 standard deduction. The IRS had disallowed the amount withheld from retirement 1099R which we determined when they contacted us for representation. Professor Morgeson prepared the 1040X and obtained a refund for this elderly couple in the amount of \$1,954.00.

FOR MORE INFORMATION ON THE CLINICAL PROGRAMS VISIT:

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

THANKS TO FACULTY AND STUDENTS SUPPORTING *PRO BONO*

Thanks to the following faculty who assisted at Pro Bono Clinics co-sponsored by the Law School faculty and held in conjunction with Legal Aid of NorthWest Texas during the spring semester: Professors **Gerry Beyer** (1 clinic), **Wes Cochran** (1 clinic), **Sally Henry** (2 clinics), **Wendy-Adele Humphrey** (1 clinic), **Wendy Ross** (2 clinics), **Rob Sherwin** (2 clinics), and **Larry Spain** (4 clinics).

The Law School faculty co-sponsored two Pro Bono Clinics held at St. John's United Methodist Church on February 11 and February 25; a Clinic at Mae Simmons Community Center on February 6; and one evening Pro Bono Clinic on March 3. Unfortunately, a Pro Bono Clinic scheduled for April 7 was cancelled because of the pandemic. A number of law students participated in these clinics which were coordinated by **Elma**

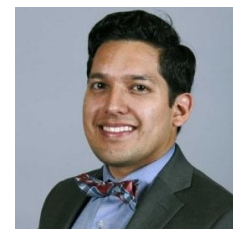
Moreno, Director for Pro Bono Projects. In addition, all students in the Civil Practice Clinic and Family and Housing Clinic conduct intake at the Pro Bono Clinics as part of their clinical work.

The following law students assisted at the Pro Bono Clinics during the spring semester as part of their pro bono requirements: **Kristen Beck**, **Jay'Neisha Davis**, **Xenna Davis**, **Faith Opawaye**, **Rachel Pungwe**, **Trevor Shoels**, and **Brianna Weis**.

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

The ***Elma Moreno Pro Bono Service Award*** was created in 2000 by Professors Timothy and Daisy Floyd and is named in honor of Elma Moreno, original coordinator for the Private Attorney Involvement Program for Legal Aid of NorthWest Texas. She is currently the Legal Assistant/Office Manager for the TTU School of Law Clinical Programs and Director of Pro Bono Projects. This award recognizes a law student whose pro bono activities best exemplify the lawyer's obligation to ensure equal access to justice. The award is currently funded by the first award recipient and managing attorney at Legal Aid of NorthWest Texas, Tamara Duncan (2000). Recipient gets a cash award and a plaque in addition to his name being added to the plaque which is displayed at TTU School of Law.

Congratulations Jose "Angel" Gutierrez (Advanced ADR Clinic) who was selected as the recipient of the ***Pro Bono Graduating Student of the Year Award*** which recognizes him with the ***Elma Moreno Pro Bono Service Award*** for demonstrating a steadfast commitment to pro bono work throughout his time in law school.



DIVORCE NIGHT COURT PROJECT



Judge Les Hatch

Since 2007, the Civil Practice Clinic and the Family Law & Housing Clinic of Texas Tech University School of Law have partnered with the Lubbock County Courts to address the large numbers of *pro se* litigants in divorce cases which resulted in increasing demands on the time and resources of the courts, court staff, and the clerk's office.

The Night Court Divorce Project was implemented to streamline the process of intake, referral, filing, and completion of simple divorces involving parties without children. Each of the clients were financially eligible for services through Legal Aid of NorthWest Texas but were not a priority for their office as a result of insufficient staff resources. As part of the project, one of the judges from Lubbock County would conduct final

hearings in the evening at the law school to allow clients the convenience of not having to take time off from work or who might have difficulties with child care.

Judge **Les Hatch** of the 237th Judicial District Court, continues to volunteer with this Project by presiding over cases heard in one of the courtrooms at the law school. We thank Judge Hatch for his contributions in providing greater access to the justice system for low-income individuals.



LOW-INCOME TAXPAYER CLINIC COMMUNITY OUTREACH

by Nancy Mojica, Community Outreach Coordinator

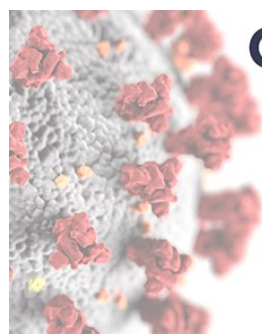


Year 2020 started out normal, but what is normal now days! We also hoped for a better and brighter new year especially with a well-rounded number. 2020 is a pretty good number to remember especially for all the graduates and anyone celebrating a memorable event. Without any doubt it will be a memorable year and we will survive!

During the months of January and February I prepared for the spring semester by setting up resource and health fair dates and times as well as trying to schedule workshops and preparing for the upcoming tax filing season. The majority of our education outreach activities take place during tax filing season in

partnership with the Coalition of Community Assistance Volunteers who oversee the VITA site. I prepared the LITC educational videos and had them ready to stream for all the taxpayers coming into the VITA site to view while waiting for their income tax returns to be prepared. I was able to schedule those videos from January 29th through March 11th up until Covid-19 struck our lives. Since we have been self-quarantined and working from home, I have been conducting the initial intake interview screening for Professor Morgeson and have also been helping with answering the phones for the Clinical Programs as needed.

Congratulations to all our graduates!



CORONAVIRUS (COVID-19) TAX RELIEF



VISIT THE FOLLOWING LINK FOR UPDATES:

<https://taxpayeradvocate.irs.gov/get-help/taxupdates>

WORDS FROM OUR STUDENTS

"Participating in the Capital Clinic and working with the Lubbock Offices for the Regional Public Defenders Office was an invaluable experience. Every week, I was able to sit in on the team's strategy session, hear the team discuss what we know, what we need to know, and the tasks we need to accomplish to get to where we need to be. I was able to speak up, and my voice was heard and valued. One of the first lessons I learned was that we have to think through how best to communicate with our client, in a way that enable them to act in their own best interest—that each client has different intellectual and emotional capabilities that must be considered. When thinking about this clinic before it started, I thought about how best to use procedure and the substance of the law to represent our client, but not about having to persuade our client to take a particular course of action. During the clinic, I was able to meet with clients, as well as family and friends of our clients. Our cases weren't merely words on the page, but acts played out in living color, with emotions and heartbeats attached to them. Many of our clients are physically or emotionally ill, victims of historic abuse. The fact that our clients should not be the sum total of

their worst deed, and that everyone deserves the best defense that can be provided for them, played through my head again and again, as I learned about precipitating factors that may have led to our clients taking the actions they did—or led to them failing to act when they should. During the clinic, I drafted a cross examination of a witness against one of our clients and edited motions from another state. The cross examination allowed me to think through how to highlight inconsistencies in the witnesses' interviews with law enforcement effectively and working through motions highlighted how much work there is that needs to be done, because Texas law does not look kindly upon persons the State is seeking to charge with a capital offense. I was sorry for my time with the Lubbock RPDO to come to an end, because their work is ongoing and important. I would encourage any Tech Law students with an interest in criminal work to do an Externship or a the Capital Clinic with the Lubbock RPDO."

Katie Langford, Ph.D.
Capital Punishment Clinic

CONGRATULATIONS CLINIC STUDENTS RECOGNIZED WITH SPRING HONORS AND AWARDS

Due to COVID-19 pandemic, the annual Honors and Awards ceremony was not held. However, congratulations to clinic students who have been honored with the following awards:

Daniel Stone (Tax Clinic) is the recipient of the **Edward R. Smith and Norton Baker Tax Award** which is an award presented to a student who intends to practice in the tax area and is permanently endowed by Karl Clifford ('72) and Steve Krier ('77).

Rebecca Sanders (Caprock Regional Public Defender Clinic) is the recipient of the **Robert J. and Ann Burbridge Criminal Clinic Award**. This award was created through an endowment given by Ann Burbridge who was a long-time registrar at the law school. It was created in memory of her husband and is given to a third year law student in a criminal defense clinic who has provided zealous advocacy for those accused of committing crimes in rural or underserved communities of Texas.

Elizabeth Balido (Criminal Defense Clinic) is the recipient of the **Linda J. Kamp Service Award**. The award is presented to a graduating law student whose service to the law school best represents the dedication, service and spirit of Linda Kamp. The award is named in honor and loving memory of Linda Kamp who served the law school community for twenty-one years and was the Registrar from 1991-2002. the award was established and is funded by the Class of 2002.

Jeffrey Delman (Criminal Defense Clinic) is the recipient of the **Clifford W. Brown Lubbock Criminal Defense Lawyers Association Award** (this award recognizes excellence as a student attorney in the Texas Tech Criminal Defense Clinic and is funded by the Lubbock Criminal Defense Lawyers Association).

Sidney Wilshire (Criminal Defense Clinic) is the recipient of the **The Fortney Award for Ethics**. This award is given in honor of former Tech Law Professor Susan Fortney to the law student who exhibits outstanding moral and ethical conduct among his or her peers while attending law school.

Morgan McNabb (Caprock Regional Public Defender Clinic) is the recipient of the **Judge Ken G. Spencer Award** which is given to the student whose propensity to survive in law school by dogged persistence, or ability to adapt to adversity, or sheer force of personality or charisma, appeals to the admiration of the faculty.

J. Riggs (Tax Clinic) is the recipient of the **George W. and Sarah H. Dupree Award**. This award is an endowed award given to the member of the graduating class who, in the opinion of the student's colleagues, best exemplifies the ability desired in one soon to join the legal profession.

Congratulations to the following clinic students who were also recognized with the **Pro Bono Honors Award** for completing at least 60 hours of pro bono work over three years where at least half of their hours were legal-related pro bono:

Advanced ADR Clinic: James Brooks and Phillip Roach
Civil Practice Clinic: Juan Calvo, Marc Limsiaco, and Karla Pizarro
Criminal Defense Clinic: Jay'Neisha Davis and Jon T. Harris
Caprock Regional Public Defender Clinic: Dana Dinkens
Capital Punishment Clinic: Katie Langford
Tax Clinic: Christopher Egbunike, J. Riggs, and Daniel Stone

Congratulations to the following clinic students who were also recognized with the **Pro Bono Achievement Award** for completing at least 150 hours of legal-related pro bono work over three years:

Advanced ADR Clinic: Jose Angel Gutierrez (Fall '18) and Lauren Ogle
Caprock Regional Public Defender Clinic: Chase McCullough and Michael Rinehart
Criminal Defense Clinic: Brianna Weis and Sidney Wiltshire
Family Law Clinic: Clinton Jones
Innocence Clinic: William Scott Keffer

Thank you for your service to Tech Law!



WORDS FROM OUR STUDENTS

"The professors were very patient as we transitioned to remote learning from home. It's been pretty interesting to see how the courts and DAs have adjusted to professional work online!"

Jeffrey Delman
Criminal Defense Clinic

"I have enjoyed being in the clinic over this past year. The best part was being in my client's corner for the entire process. Most of them never had someone fight for them and were appreciative that I was taking the time to hear their side of the story."

Brianna Weis
Criminal Defense Clinic

"It's safe to say that joining the Criminal Defense Clinic was one of the better decisions I've made during my time in Law School. I've gained so much practical experience and developed lasting relationships with both students and faculty/ staff. 10/10 Stars - would totally recommend!"

Sidney S. Wiltshire, MPH
Criminal Defense Clinic

"Being a part of Caprock was the best! I loved learning first hand and getting guidance every step of the way. I cannot thank Donnie, Dwight, and Pat enough for this life changing experience."

Dana Dinkens
CRPDO Clinic

"Priceless... That's how I would describe the experiences and the relationships I've gained through my time in clinic. Raspberry Dynamite OUT!!"

J. Riggs
Tax Clinic

"Being a part of the Innocence Clinic has been the most rewarding experience in my law school career. I feel more prepared to begin my career as a lawyer because of this opportunity to represent clients."

Tracie Dionne
Innocence Clinic

"The clinic experience has taught me more than I could ever imagine. Even with the home-imprisonment Donnie, Dwight, and Pat have been great keeping us informed, active, and learning. I could not have asked for a better group of people."

Michael D. Rinehart
CRPDO Clinic

"My participation in the Civil Practice Clinic has been a highlight of my law school journey. I have learned more than I imagined and now feel well-equipped to enter my career after graduation. A huge thank you to Prof. Spain, Terri, Elma, and my amazing classmates."

Jodee Rankin
Civil Practice Clinic

"Working in the Innocence Clinic has undoubtedly, been the highlight of my law school experience. Even with the challenges presented by COVID-19, Allison found creative solutions to keep us up and running so we could continue serving our clients. I cannot thank Allison enough for her leadership, insightful teaching, and guidance as she pushed us to become better advocates. Thank you so much Allison! And thanks to the other Innocence Clinic members (Jessica, Sara, and Tracie) for working as a great team! I will miss you all!!"

Scott Keffer
Innocence Clinic

"The Texas Tech Tax Clinic provides valuable legal and life experiences. Through Terri's guidance and leadership, the tax students get a raw taste of the real practice of law."

Orion Hutchin
Tax Clinic

"Being in a clinic has been a very rewarding ending to my law school career. Though the ending to the semester was not ideal, I leave Tech Law feeling comfortable and ready to practice. I really am going to miss being picked on by Donnie, Pat, and Dwight all of the time and dishing it right back to them."

Morgan McNabb
CRPDO Clinic

"Clinic has been a great opportunity to see what a career in law looks like. The directors are quality lawyers and they prepare their student attorneys to be ready for future practice by teaching us how to be self-sufficient in researching issues and communicating with clients and other lawyers. Overall, Clinic is an incredibly beneficial opportunity."

Chase McCollough
CRPDO Clinic

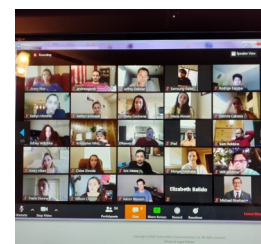
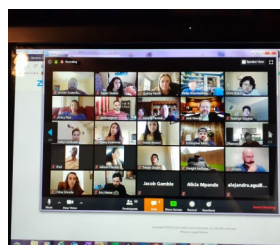
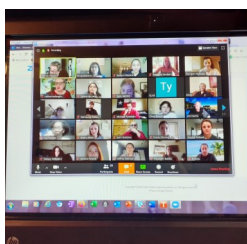
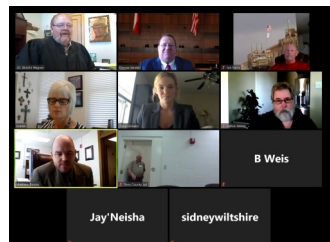
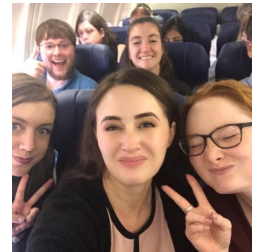
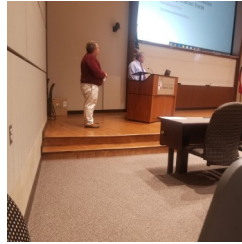
"Clinic has by far been the best experience I have had in law school. I gained practical experience that I know will help me be successful in every field of law practice. I will definitely miss the experiences and the people that made it so memorable."

Felicia de León
CRPDO Clinic

"I also considered myself a capable student, but the Family Law Clinic really sharpened my skill-set that I have been honing over these past 3 years. Professor Ross is a truly kind soul who knows exactly how to reach each of her students. She teaches excellent skills needed apart from the traditional needed for attorneys; the need for humor in the workplace, and the importance of relationships with your local judges. These lessons are invaluable and really fall into perspective in the Spring because we are stepping into the profession shortly after graduation. 10/10 would do again!"

Juan Calvo
Family Law and Housing Clinic

Snapshot Corner



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. Metze
 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

Guadalupe Gurrola
 Senior Business Assistant

Irma Shepler
 Legal Assistant for CRPDO

Nancy Mojica
 LITC Community Outreach
 Coordinator

*Due to COVID-19 Pandemic we were unable to bid you
 farewell in person. You will be missed!
 Thank you for all you did for Tech Law and your clients!*

CONGRATULATIONS and Good Luck with the Bar Exam!

*Congratulations to all students who passed the
 February Bar Exam!*

Job well done!!!

CLINICAL PROGRAMS FACULTY AND STAFF



*Faculty, staff, and students bid farewell to Guadalupe “GG” Gurrola,
 Senior Business Assistant, as she departed on March 17th
 to pursue other opportunities!*

CLINIC NEWS

Spring 2020 Edition

3311 18th Street, Lubbock, Texas 79409

(806) 742-4312