



FALL 2021

CLINIC NEWS

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

CLINICAL PROGRAMS CELEBRATES 20 YEARS!

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Elma Moreno
Clinical Programs Legal Assistant and Office Manager

Twenty-Eight (28) years after the initial comprehensive clinical legal education program was implemented with Professor Dan Benson being hired to establish and teach the first clinical course, *Defending Crimes & Juvenile Delinquencies*, in the Fall semester of 1973, the TTU School of Law Clinical Programs was re-established in the Fall 2001 semester. Although the Low-Income Taxpayer Clinic, taught by private attorney and adjunct Professor Donald Williams, came into existence with a startup grant from the Internal Revenue Service in September of 2000, the Clinical Programs was implemented with an additional two clinics: The *Civil Litigation Clinic*, taught by Professor Larry Spain who joined Tech Law in July 2001, and the *Criminal Prosecution Clinic*, taught by Professor Tim Floyd who had joined Tech Law in 1989 as the Skills Director. Of course, I was fortunate to join Tech Law as the Legal Assistant/Office Manager in October 2001 to assist with the development and oversight of the Clinical Program and joined by Senior Business Assistant Samirah Abdalah.

During its twenty years in existence, the Clinical Programs has evolved from three clinical courses being offered to eight clinical courses. In addition, the Clinical Programs has grown from three faculty and two administrative staff to currently having eight faculty and four administrative staff. Clinical courses, which have included a classroom component and a casework component, throughout the years are included below. Renovations have

changed the look from what used to be an outside entrance to currently being viewed as part of the Lanier side of the building although it is part of the original building.

The *Low Income Taxpayer Clinic* has been the longest running clinical course in existence. An article on its 20 years of existence was included in the Fall 2020 edition of *Clinic News*! Directors have included Professor Don Williams, Professor Marilyn Phelan, Professor Vaughn James, Professor Michelle Kwon, and current director and Professor Terri Morgeson. You can view the article by visiting https://www.depts.ttu.edu/law/clinics-and-externships/clinics/clinic_newsletters/2020_FallNewsletter.pdf

The *Criminal Prosecution Clinic* was offered as a one-semester clinical course during the Fall 2001 semester and Spring 2002 taught by Professor Timothy Floyd. During the Fall 2002 semester he handed the clinical course off to Professor Anita Royal. Professor Royal left after the Fall semester and Matt Powell taught the course during the Spring 2003 semester. Larry Cunningham joined the faculty and began teaching the course during the Fall 2003 semester. The *Criminal Justice Clinic* was established during the Fall 2004 semester with Professor Cunningham continuing to teach the course. After leaving Tech Law prior to Fall 2005, local attorney David Guinn taught the Criminal Justice Clinic course during the 2005-2006 academic year. Another change occurred during the 2006 - 2007 academic year when Professor Glenn Roque-Jackson began teaching the clinical course. The Criminal Justice Clinic was separated into a *Criminal Prosecution Section* being taught by Professor Roque-Jackson from Fall



(continued on page 9)

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

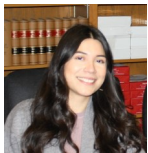
Despite COVID-19, students adjusted to new ways of engaging with and representing clients to address their legal needs. During the fall semester, eight students were enrolled in the Civil Practice Clinic: **Xenna Davis, Rachel Hood, Sean Lewis, Alexis Mejia, Charles Mooney, Lisette Moreno, Trevor Shoels, and Morgan Vega.** Despite various challenges, students were flexible in adapting to practicing law in a virtual environment.

Over the course of the semester, a total of 24 new client cases were undertaken, 16 cases were completed and closed, and 17 cases remain open and will be carried over to the spring semester. Due to COVID-19, 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 virtual intakes. As a result, over the course of the semester, students in the Civil Practice Clinic interviewed 28 applicants seeking legal services through Legal Aid of NorthWest Texas across

their service area of 114 counties of North and West Texas to provide brief advice and counseling.

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. Three of the students, **Xenna Davis, Trevor Shoels, and Charles Mooney,** were able to conduct hearings before an Administrative Law Judge which were held by video conference rather than in person.

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



"Being part of the Civil Practice Clinic has been one of the most rewarding experiences I have had at Texas Tech Law. I am fortunate to have the opportunity to represent indigent individuals in the Lubbock community under the amazing guidance of Professor Spain. I am learning many practical things that cannot be taught in a classroom and for that I am extremely grateful."

Alexis C. Mejia
Civil Practice Clinic



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

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

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



Pictured L to R:

Trevor Shoels, Lisette Moreno,
Xenna Davis, Rachel Hood,
Professor Larry Spain,
Morgan Vega, Alexis Mejia,
Charles Mooney, and Sean Lewis

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

Eighteen students were enrolled in the Advanced ADR Clinic during the Fall Semester: **Noah Alford, Brandy Ehrlich, Samantha Espino, Matthew Fischer, Samuel Ghirmay, Julia Green, Rebekah Luna, Brandon Milligan, Emma Montgomery, Cameron Morris, Sarah Patterson, Princess Rodarte, Victoria Rohloff, Sarah Sanders, Payton Saunders, Colton Sniegowski, Paige Taylor, and Taylor Trinh.**

The semester began with four full days of mediation training during the week before classes began for the fall semester. 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 264 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	65
Family	50
Neighbor Disputes	1
Juvenile Diversion	28
District Attorney Referrals	1

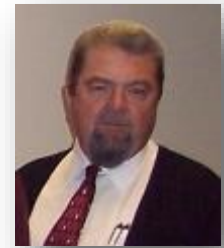
Civil Suits	8
Justice of Peace	1
Theft	3
Landlord/Tenant	1
Personal Injury	2
Small Claims	9
Miscellaneous	1
Appraisal Dispute	1
Contract Dispute	3
USDA	2

57% of the disputes resulted in an agreement, 27% resulted in an impasse, and 15% were continued for an additional mediation session.

Mediations were conducted with parties participating either in-person, by telephone, or via Zoom. Despite the challenges, students were able to conduct mediations through differing 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 and prepared reflection papers on mediations that they participated in.

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:

"Learning mediation skills and gaining real world experience to become a Texas qualified mediator were the most valuable things I gained in advancing my legal skills this semester. The ADR clinic was capable of allowing me to mediate many different legal situations and learn how to work with individuals having vastly varying degrees of legal experience."

Colton Sniegowski
Advanced ADR Clinic

Pictured L to R:

Back Row: Professor Larry Spain, Julia Green, Sarah Sanders, Victoria Rohloff, Payton Saunders, Cameron Morris, Colton Sniegowski, Matthew Fischer, Brandon Milligan, Noah Alford, and Adjunct Professor Gene Valentini

Front Row: Princess Rodarte, Samantha Espino, Paige Taylor, Sarah Patterson, Brandy Ehrlich, Emma Montgomery, and Taylor Trinh



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

We had a fantastic Fall semester. The following students were enrolled in the Family Law and Housing Clinic: **Ryan Bennett, Jorge Dominguez, Carlos Gracia, Phillip Hecker, Krysten Horgan, Edgar Lopez, Megan Parry and Kieran Wood.**

We were able to restart our Pro Se Divorce Clinic Project in the 72nd District Court this semester. In the Pro Se Clinic, students review divorce paperwork of the parties and help them complete the divorce process by proving up the divorce in a hearing before the Judge. This semester we were able to complete 4 divorce cases from Pro Se court.

This Semester we had 14 divorce cases: 3 divorce cases with children and 11 divorce cases without children. We were able to finalize 4 of these divorce cases. We have a couple of cases that are contested and kept the students quite busy this semester. We have conducted discovery requests in both of these cases and in one of these cases, we have a pending Motion to Compel that will be heard in the Spring.

We had a couple of divorce cases that went to mediation. In one of the mediated cases that ended in a settlement, we were able to obtain a favorable amount of money for the client.

Additionally, we had a couple cases outside of our normal divorces and custody cases. We had a case that involved assisting the guardian of a disabled adult child to obtain permanent child support pass the child's 18th birthday. We were able to successfully get permanent child support and medical support. The other case involved enforcement of the terms of an agreed divorce order.

Finally, we had two landlord-tenant cases. One case involved the landlord charging extra fees. The student is in the process of contesting the fees for the tenant. The rest of the cases involved demands for repairs for the tenant. The students were able to write letters to the landlord to help these tenants get the repairs done at their respective apartments.

The Family Law and Housing Clinic students were also able to assist with intake hotline cases for Legal Aid of Northwest Texas. Students interviewed applicants from all over West Texas and provided them with advice on their legal matter.

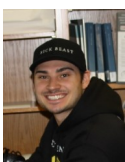
Thank you to all my students. Have a great semester break!!



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.



"Participating in the Family Law Clinic was the best decision I could have made in my 3L year. I have been exposed to numerous clients with different attitudes and backgrounds and have learned firsthand what it's like to advocate for a client in a contested case. The time spent was well worth it."

Ryan Bennett
Family Law and Housing Clinic

Pictured L to R:

Jorge Dominguez, Ryan Bennett, Phillip Hecker, Krysten Horgan, Edgar Lopez, Megan Parry, Carlos Gracia, Professor Wendy Ross, and Kieran Wood



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

Just a short note to let everyone know the students in the Criminal Defense Clinic are, as always, busy representing real people in real cases in real time. This semester the students have handled or are handling 106 cases for 69 different clients. Students handle all phases of representation from initial interview through appearance in Court. The responsibility of representation falls entirely on the clinic students' shoulders under the ever-watchful eyes of the Clinic Director and Clinic Fellow, **Dwight McDonald**. This semester, of those 106 cases, 5 have been completed with 2 pleas of guilty and 3 dismissals for a 60% dismissal rate. These 106 cases represent 69 misdemeanors and 37 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: **Alejandra Aguillon, Thomas Beach, Lauren Beard, Alyssa Douglas, Jacob Gamble, Alicia Mpande, Symphony Munoz** and **Anthony Salinas**. 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.

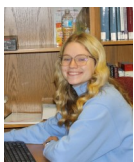
All students are members of the Texas Criminal Defense Lawyers Association (TCDLA) and the Lubbock Criminal Defense Lawyers Association. Networking with criminal defense lawyers is just one advantage of membership in these

organizations. In October, all criminal clinic students attended a two-day seminar in Ft. Worth on forensic science at the invitation of TCDLA and a grant provided by the Court of Criminal Appeals. The students are also set to attend the 42nd Annual Prairie Dog Lawyer Advanced Criminal Law Seminar next semester at the Law School, all free of charge.

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



Patrick Metz became a full-time faculty member teaching and directing the Criminal Defense Clinic in 2008. Pat is an experienced criminal defense practitioner in Lubbock who is a Past President and Director of the Lubbock Criminal Defense Lawyers Association and former Board member of the Texas Criminal Defense Lawyers Association. He is enthusiastic about continuing the development of our Criminal Defense Clinic and providing a quality experiential program for our students. He received a Bachelor of Arts from Texas Tech University and his Doctor of Jurisprudence from The University of Houston. He was admitted to practice in the State of Texas on April 29, 1974, celebrating this year 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.



"In only a semester of being in the Criminal Defense Clinic, I have gained experience that I never thought I would have while still in law school. It is so rewarding to be hands-on with the Lubbock Community. One of the best things the clinic does is prepare you to talk to clients, which is one of the most important tools that an attorney can have."

Lauren E. Beard
Criminal Defense Clinic

Pictured L to R:

Back Row: Professor Dwight McDonald, Anthony Salinas, Jacob Gamble, Thomas Beach, and Professor Pat Metz

Front Row: Alejandra Aguillon, Symphony Munoz, Alicia Mpande, Alyssa Douglas, and Lauren Beard



FROM THE DESK OF DONNIE YANDELL

CAPROCK REGIONAL PUBLIC DEFENDER OFFICE

The 2021-2022 Caprock Regional Public Defender Clinic has finished their first semester in clinic. This year's student attorneys were **Lindsey Adams, James Colley, Haley Hickey, Evan Johnson, Emily Lawrence, Peter McCleod, Brookley Schroeder** and **Joshua Tennison**. The student attorneys this semester have handled 99 cases. 24 of those cases were felonies, 69 were misdemeanors and 6 were juveniles. The student attorneys have closed 6 felonies and 13 misdemeanors so far this year.

We currently have 6 clients' cases set for trial, three of which are set for the first of February. This means the student attorneys will be working a little over the winter break preparing. Unfortunately, they are learning early that being a trial attorney sometimes interferes with your plans.

As for COVID related issues, the start of the semester was slow and not much courtroom time, but in the last month or so, we have seen the courtrooms opening back up somewhat. Hopefully things will continue to progress slowly back to "normal" and we will be running full tilt by the end of the school year.

All of these student attorneys have done an excellent job. The student attorneys have logged over 2,200 hours working cases, often on their own time, in an attempt to represent their clients to the best of their abilities.

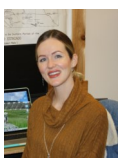
I hope you all do well on your finals and then enjoy your winter break. I look forward to seeing all of you January! Be ready to gear up for trial when you get back!



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.



"My first semester in the Caprock Regional Public Defender Office has truly been the highlight of my law school career. Criminal defense has been my goal since I began at Texas Tech University School of Law. I grew up in Floydada, Texas, so I am passionate about the small communities of West Texas, and I always hoped to serve the people of the area. Being in the Caprock Clinic has given me the opportunity to use the skills I have gained over the past two years to advocate for individuals in the rural communities around Lubbock. The time working as a qualified law student under the guidance of Donnie Yandell has taught me how to successfully interact with judges and prosecutors, empathetically connect with clients, and to develop my own style of communication. I am learning each day how to better represent and serve my community and I am incredibly thankful for the generous and patient mentorship of Donnie, Professor Dwight McDonald and Professor Patrick Metzger."

Evan Johnson
CRPDO Clinic



Pictured L to R:

Professor Patrick Metzger, Joshua Tennison, Peter McLeod, Emily Lawrence, Haley Hickey, Professor Donnie Yandell, James Colley, Brookley Schroeder, Evan Johnson, Lindsey Adams, and Professor Dwight McDonald

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

Fall Semester of 2021 has been a semester where we strive to get back to normal. The low income tax clinic students were **Chad Culpepper, Victor Perez, Madison Pyle, David Rice, Abigail Ebrom, Yesenia Soria, Jimmy Vaughn** and **Matthew Walker**.

Although our outreach coordinator, **Marya Lujan**, works hard to find events to publicize our program, the number of accepted cases and referrals is still down due to COVID and, in part, due to the IRS still being behind on sending out notices and working collection cases.

We continue to answer questions about the missing stimulus checks and educating taxpayers on the child tax credit checks. We recorded our first TikTok and Facebook videos to educate the

public about frequent tax filing issues and the TTU LITC program. We will record more videos during tax season.

Another highlight of fall semester was our annual Halloween clinic decorating contest. The Tax Clinic took first prize with our tax themed haunted carnival. Elma, Nancy and myself had a blast dressing up as the Sanders Sisters.

Next semester, we will volunteer at the local VITA site which is operating a scaled down version of their free tax preparation program. Tax Court will be in Lubbock and El Paso next semester. Court is still being conducted remotely and we have cases currently set on both dockets. The goal for the spring semester is to have an increase in accepted cases and an increase in case resolution.



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.



"My experience in the Tax Clinic has been an exciting and worthwhile opportunity because it has allowed me to utilize and strengthen skills such as research and writing while developing new skills that I'll be able to apply in my professional career, such as interviewing and communicating with potential clients, working with other attorneys, and advocating on behalf of my clients. It has also been very rewarding to help people right here in our community and find solutions for difficult tax-related issues that may be severely impacting their lives. Overall, I'm incredibly grateful to be a part of the Tax Clinic alongside Terri and the rest of the Tax Clinic students."

Yesenia Soria
Tax Clinic



"The Tax-Clinic at Texas Tech gave me the opportunity to learn while benefitting the community. The support and knowledge transmitted prove invaluable. Thanks to the clinics I feel confident about practicing in this area in the future."

Jimmy D. Vaughn
Tax Clinic



Pictured L to R:

Back Row: Madison Pyle, David Rice, Chad Culpepper, Abigail Ebrom, and Matthew Walker

Front Row: Yesenia Soria, Professor Terri Morgeson, Victor Perez Maldonado, and Jimmy Vaughn

FROM THE DESK OF ALLISON CLAYTON — DIRECTOR, INNOCENCE CLINIC

The Innocence Clinic has already put in over 800 hours of work on its cases, and we are just halfway through. As usual, 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 bite marks, arson, cell phone tracking, blood spatter, and abusive head trauma, just to name a few. In the course of our work, this semester we filed a Petition for Discretionary Review with the Texas Court of Criminal Appeals in a double homicide that has resulted in three innocent people being sent to prison for life without the possibility of parole and a 28 U.S.C. § 2254 federal writ for habeas corpus in the Northern District of Texas. We are collaborating with Conviction Integrity Units in Dallas, El Paso, San Antonio, and Houston; coordinating with experts in a variety of fields for review of evidence to exonerate our clients; and working with producers and journalists from coast to coast trying to bring attention to our clients' cases.

For most of the Fall Semester, prison units were still hesitant about visitors, so we were not able to visit any of our clients in prison. Early next semester, however, we have a statewide trip planned to visit as many of our clients as possible, as they are anxious to meet in person the student attorneys fighting so hard for them. In the meantime, we continue to comfort and counsel 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.

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.



Pictured L to R

Sana Achraf, Mallory Hancock,
Kayla Ryan, and Bonnie Serrano

"The innocence clinic was my number one reason for attending Texas Tech Law. After spending the last few months getting to work as a student attorney for the innocence clinic, I can say that I made the right choice. I have so much pride knowing that we are getting to help innocent people fight for their freedom. I love speaking to my clients about their cases and telling them how the innocence clinic is coming up with a game plan to help exonerate them. Although, the work is hard, it is beyond rewarding. Plus, getting to learn about post-conviction work from Allison Clayton, has been the perfect cherry on top."

Kayla Ryan
Innocence Clinic

RECENT CASES OF INTEREST



Xenna Davis represented the mother of a 13 year old child who had been found disabled in 2012 based on ADHD, speech disturbance, and

developmental delay. In 2017, it was determined that there had been a medical improvement in the child's condition and that he was no longer

disabled. After a hearing before an administrative law judge, a fully favorable decision was issued finding the child continued to meet the disability requirements under the Social Security Act meaning he will continue to receive SSI benefits and will not have to repay benefits received while the appeal was pending.

CLINICAL PROGRAM CELEBRATES 20 YEARS!

(continued from page 1)

2007 thru Fall 2009 semesters and a **Criminal Defense Section** taught by Professor Patrick Metzger who joined Tech Law in the Fall 2007 semester. Professor Roque-Jackson left Tech Law after the Fall 2009 semester at which time local private attorney Sarah Gunter joined as an adjunct Professor to teach the Criminal Prosecution Section during the 2009-2010 academic year. The Criminal Prosecution Section of the Criminal Justice Clinics is no longer in existence, however, the Criminal Defense Clinic continues to be a clinical course taught by Professor Patrick Metzger who also oversees all criminal clinics which are discussed later in this article. Dwight McDonald ('93) joined Tech Law as a clinic fellow for the Criminal Defense Clinics and Family Law/Housing Clinics during the Spring 2015 semester.

A clinical course offered for a short period of time was **Family Law Counseling Clinic** which was taught by Professor Timothy Floyd from Fall 2002 semester thru Spring 2004 semester. Professor Floyd left Tech law but played a very important and key role in establishing and implementing the clinical legal education program. He had a vision for Tech Law to bring back the clinics and he accomplished his goal prior to leaving.

What began as the **Civil Litigation Clinic** during the Fall 2001 semester is now known as the **Civil Practice Clinic** which has been taught by Professor Larry Spain since its implementation. Professor Sonya Garza (pictured on the right with her first class) joined Tech Law the summer prior to the 2004-2005 academic year and taught an additional section of the Civil Practice Clinic. After one academic year, Professor Garza moved on to another job opportunity and Professor Wendy Ross joined Tech Law during the summer of 2005 and began teaching Section II of the Civil Practice Clinic until Spring 2011 when the **Family Law Clinic** was established and implemented during the Fall 2011 semester. Rebekah Filley ('01) joined the faculty as a Clinical Fellow for the Family Law



Clinic at the beginning of the Fall 2011 semester. The Family Law Clinic was later transformed into the **Family Law and Housing Clinic** which has been ongoing since the 2016-2017 academic year.

During Fall 2006, a one-semester clinical course was implemented by Professor Susan Fortney (pictured to the left with her Fall 2007 class) which was named the **Health Care and Bioethics Mediation Clinic**. Nicie Pratt ('04) and Gene Valentini

(Director of Lubbock Office of Dispute Resolution) continued the clinic as adjunct professors and co-directors during the Fall 2011 and Fall 2012 semesters. In the meantime, Professor Larry Spain and adjunct Professor Gene Valentini started the **Advanced Alternative Dispute Resolution Clinic** during the Spring 2005 semester which began as a one semester clinic during the Spring semester and was later offered during the Fall and Spring semesters during the 2012-2013 academic year. For the 2015-2016 academic year, it became a Spring semester clinic, then during the Fall 2016 it became a one semester Fall Clinic and it has continued as such since then. The Advanced ADR Clinic continues to be taught by Professor Spain and Adjunct Professor Valentini.



The **Innocence Project** was one of the newest clinics during the Spring 2004 semester with Professor Tim Floyd and 2003 Tech Law graduate Lena Roberts working closely with fourteen students who investigated claims by Texas inmates claiming innocence. Being a very new program, Lena continued to volunteer her time to coordinate the program and

Professor Angela Laughlin assumed the role of faculty supervisor beginning the Fall 2004 semester. In January of 2005, Jeff Blackburn, along with the support of Tech Law, Angela Laughlin, and Larry Cunningham, an office was established downtown. During the Fall 2005 semester Judge Charles Baird joined the faculty

WHERE ARE THEY NOW?

Jose "Angel" Gutierrez (ADR Fall '18) - Associate Attorney with McWhorter, Cobb & Johnson in Lubbock, Texas

Logan Dorsett (Family Law/Housing '21) - Associate attorney at Harris, Finley & Bogle, Dallas-Fort Worth Metroplex

Michael Samaniego (Civil '21) - Tax Controversy Attorney - Allian T. Group - Houston, Texas

Patricia Cabrera (CDC '21) - Deputy State Public Defender - Colorado State Public Defender Office, Denver, Colorado

Christian (Chris) Nistrahuz (Innocence '18) - Associate attorney at Norton Rose Fulbright LLP - Dallas, Texas

Mikaela Mitcham (Civil '21) - Litigation associate at Foley and Lardner in Dallas

Gabrielle Bechyne (Civil '21) - Licensed in Texas and getting admitted to the Northern District of Texas. Working in Amarillo, Texas at the Underwood Law Firm mostly practicing Employment Law, some Special Ed law, as well as Employment Litigation.

Andrew Gendi (CDC '21) - Attorney for Thiessen Law Firm practicing criminal defense in Houston, Texas

Bryan Greer (Tax '21) - Working for EY (previously known as Ernst & Young) in Dallas which is one of the Big 4 accounting/professional services firms.

Kris Mincey (CRPDO '21) - Associate attorney with Mark Snodgrass firm, Lubbock, Texas

(continued on page 10)

CLINICAL PROGRAM CELEBRATES 20 YEARS!

by Elma Moreno (continued from page 9)

and began teaching the Innocence Clinic a/k/a West Texas Innocence Project while Jeff Blackburn and Greta Braker supervised the students' casework. During the 2006-2007 academic year (first time it became a full academic



year course), Jeff Blackburn and Heather McDonald supervised the students. Natalie Roetzel joined the IPOT clinic as Executive Director

prior to the beginning of Fall 2007 and left after three years when appointed as Chief Staff Attorney for the Innocence Project of Texas. Catherine Whitworth (Executive Director) and Nicholas Vilbas (Case Director) joined the Innocence Project during the Fall 2010 semester. By this time, clinic faculty and staff had increased from five to eleven! The West Texas Innocence Project continued until 2011. Fall 2016 welcomed an in-house **Innocence Clinic** and Clinic Director Allison Clayton. This clinic was created as a full academic year clinic under the guidance and direction of Director Allison Clayton and Professor Pat Metze.

The Spring 2011 semester brought the new inaugural **Capital Punishment Clinic** which is



and continues to be a one semester clinic. Professor Patrick Metze continues to teach the classroom component and attorneys from the Regional Public

Defender for Capital Cases continue to assist Professor Metze in supervising the students who participate in the casework.

Fall 2010 was a big year! In addition to Catherine and Nicholas joining the Innocence Project, Lesley Washington joined the LITC as the Community Outreach Coordinator and Donnie Yandell ('01) became the Chief Public Defender/Instructor for the newly created **Caprock Regional Public Defender Office**. Leslie Washington joined the Caprock Regional Public Defender Office during

the Spring 2011 semester. Leslie left to pursue her law degree and Irma Shepler joined in the Fall 2013. The CRPDO office was originally housed in what used to be the Bank of America building on 19th and University and was moved as an in-house clinic to Tech Law Clinical Programs suite at the beginning of Fall 2014 semester. The front area had been renovated to include a new office which resulted in Donnie Yandell and Irma Shepler joining us as in-house administrative staff. Irma Shepler retired the summer of 2020 and Lori Obando joined the administrative staff specifically working with the CRPDO clinic in August 2020.

Nancy Mojica joined the administrative staff as the Clinical Programs Senior Business Assistant/Clinic Secretary as a full-time employee in January 2021 after having served as the part-time LITC Community Outreach Coordinator since the Fall 2012 semester. Marya Lujan was hired and assumed the duties and responsibilities as the part-time outreach coordinator in April 2021.

Professor Spain and I have been at Tech Law for 20 years and have seen over 1500 students come thru our clinic doors! Throughout the years, we have seen many changes in faculty as indicated with each clinic described above in addition to administrative staff. The Clinical Programs continue to make a substantial impact on the students who participate in clinical program, as well as all the clients they have and continue to represent. All previous clinic newsletters, which include highlights from various events, honors, and awards, can be viewed by visiting <https://www.depts.ttu.edu/law/clinics-and-externships/clinics/newsletters.php>

Hopefully you have enjoyed reading on the history of Clinical Programs at Tech Law! We were fortunate to get new flooring throughout the suite of offices and are enjoying the new look! I have probably missed a few names and information, however, this is just a quick and short summary of the past 20 years!

Blast from the past! First Faculty and Staff picture taken for the Fall 2002 edition of Clinic News!



WHERE ARE THEY NOW?

Elliott Mason (ADR Fall '20) - Corporate law and M & A at Ferguson Braswell Fraser Kubasta, PC in Plano, Texas

Chloe Shrode (CRPDO '21) - "I am in San Antonio and working for Watts Guerra, LLP, in San Antonio, Texas. We're a civil litigation firm and most of our cases are in the realm of personal injury or mass torts. I'll get to start taking depositions and helping with trials right away, they like throwing new associates head first into the deep end just like Donnie, Pat, and Dwight (but are there to make sure we don't drown, also just like the 3 Musketeers). I love my job so far and love being by my family again!"

Lane Birkenfeld (Tax '21) - Associate attorney at Field, Manning, Stone, Hawthorne & Aycock P.C., Lubbock, Texas

Michelle King (Civil '21) - Associate attorney at McCreary, Veselka, Bragg & Allen, in Austin, Texas

Jarod Russell (Civil '21) - Practicing education law in Amarillo, Texas with the Underwood Law Firm

Will Whitmer (CDC '21) - Associate with Santoyo Wehmeyer P.C. in San Antonio, Texas

Alexandra Rossetti (Civil '21) - Law clerk for the U.S. Bankruptcy Court for the Western District of Texas

Phillip Arendall (Tax '20) - Associate Attorney with the Law Office of Tania K. Rosamond, Lubbock, 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 virtual telephone clinics. Thanks to the following faculty with these intake clinics during the month of September: **Gerry Beyer** (1 clinic); **Rob Sherwin** (2 clinic); and **Larry Spain** (2 clinics).

LOW-INCOME TAXPAYER CLINIC COMMUNITY OUTREACH

by Marya Lujan, Community Outreach Coordinator



This semester was my first one working here, it went by quickly and I have enjoyed all the events and meeting people here. I got in touch with Lubbock communities and the surrounding counties. I look forward to next semester!

On August 5th-9th I set up a resource table inside Odessa Music City Mall, Midland Park Mall, and traveled to Seminole, Andrews, Lamesa. I had the opportunity of meeting and networking with many individuals in those areas thus providing information with regard to the services provided by the Low-Income Taxpayer Clinic.



I was able to participate as a vendor at a two-day health screening event sponsored by Amerigroup on August 11th. We had a great turnout and participants

received brochures and flyers with more information on tax issues we could help them with. Many taxpayers were reached during this outreach opportunity.

LITC Director, Terri Morgeson, gave a presentation for Catholic Charities of Lubbock

families. The presentation was well attended and an abundance of information was provided.

The next vendor participation occurred on August 28th at the Science Spectrum which had over 120 families in attendance. Many brochures and flyers were distributed during this outreach event. In addition, a resource table was also set up inside the South Plains mall on September 10th and 18th. This is the first year we have partnered with South Plains Mall to provide outreach efforts to taxpayers. An estimated 200 individuals picked up flyers and posters. Finally, I also participated as a vendor on September 22nd at another two-day health screening event sponsored by Amerigroup and the City of Lubbock.



I created LITC accounts on Twitter and Instagram. The main purpose is to showcase any upcoming outreach events and keep taxpayers updated on IRS news. Although the LITC TikTok account is in the works I plan on next semester to create and editing an educational video in hopes of reaching out to individuals who need it!

WHERE ARE THEY NOW?

Kaitlyn Schiraldi (Innocence '21) – Is changing jobs and will be employed with Mountain States Legal Foundation. She and her husband moved to Nashville, Tennessee, where she will be working remotely for Mountain States from Tennessee and traveling to Denver, Colorado (where Mountain States is headquartered) on occasion

Natalie Lewis (Family Law/Housing '21) – Associate attorney at Whitworth Cigarroa, PLLC in Laredo, Texas

Kaitlyn Moreno (CDC '21) – Associate attorney with The Crowder Law Firm in Dallas, Texas

Aaron Wesson (CRPDO '21) – Associate attorney with Barnes & Thornburg LLP, Washington, DC

Congratulations Clinical Programs Legal Assistant/Office Manager and Director of Pro Bono Programs, Elma Moreno, recipient of 2021 TTU School of Law Employee of the Year!



WORDS FROM OUR STUDENTS

"I've learned so much about real life court cases from working with practicing attorneys as co-mediators. The experience gained from working in a clinic is incomparable."

Sarah Sanders
Advanced ADR Clinic

"I have learned more about how to be a lawyer in one semester in the Caprock Clinic than I have the entire time I have been in law school. This experience has been eye opening in so many ways and I cannot wait for what the rest of the year has in store!"

James Colley
CRPDO Clinic

"The practical experience we are gaining in clinic is unlike any other law school education. Feeling confident walking into court and knowing that I can competently represent my clients is a skill that will set me apart from other new graduates. Donnie is alright too."

Haley Hickey
CRPDO Clinic

"My clinic experience thus far has been incredibly eye-opening. I have been able to work directly with clients both in and out of jail and work directly with prosecutors to work out cases. I have learned so much in the past few months and I can't believe the semester is already over."

Alicia Mpande
Criminal Defense Clinic

"Working in the Alternative Dispute Resolution Clinic was an amazing experience. I was able to use my legal education to help so many people resolve their disputes. I hope that many more students will consider this clinic."

Matthew W. Fischer
Advanced ADR Clinic

"The criminal defense clinics have changed the way I look at the criminal justice system. It's not what cops can't do... it's what they are legally allowed to do! It is by no means immoral or wrong to force the state to prove all elements. Due process rights apply to all citizens. If the state can't prove the case then they shouldn't have brought it in the first place."

Peter T. McLeod
CRPDO Clinic

"Donnie, Dwight, and Metze have taught me more about the practice of law than any class I have had in school. If you are interested in becoming a practitioner, sign up for the Criminal Defense Clinics. It will be the best decision you ever make."

Anthony Salinas
Criminal Defense Clinic

"My time in the innocence clinic has made me realize the injustice that can occur for people during every step of the legal process. I have not only learned about post-conviction work. I have also learned more about what it means to be a good trial attorney. Being a part of the innocence clinic has been the most rewarding part of my law school experience so far, and

it means so much to have clients that appreciate everything you do for them. Allison is so supportive and helpful, and I have developed a close relationship with the other girls in clinic. I am truly grateful for my experience so far."

Bonnie Serrano
Innocence Clinic

"Applying for the Caprock Clinic has been the best decision I've made in law school. It has been incredibly affirming. I dreamed of representing criminal defendants, and through my work in the clinic, now I know this is the right path for me. I can't emphasize enough how unbelievable it is to get to help people every day."

Joshua L. Tennison
CRPDO Clinic

"I have really enjoyed my experience in the Criminal Defense Clinic so far. Getting to work with clients hands on has really been an eye opening experience of how people have to deal with the criminal justice system. I think that this experience is one that I'll never forget."

Jacob Chase Gamble
Criminal Defense Clinic

"My clinic experience means more to me than I could actually put in words. I decided to come to school here after learning about the criminal defense clinic. Having the ability to learn from professors like Yandell, Metze, and Dwight has been invaluable. I feel confident in my ability to leave Texas Tech prepared to practice criminal law."

Lindsey Adams
CRPDO Clinic

"Being a part of this clinic has been so rewarding. I chose to go to Tech Law to be a part of this program and the reputation these clinics have lives up to their name. These professors and working with these students are helping shape me into a zealous advocate capable of helping others meaningfully."

Alejandra (Ally) Aguillon
Criminal Defense Clinic

"Being part of the Criminal Defense Clinic has been a valuable experience and has given me the opportunity to actually practice law. Both of our professors provide incredible guidance and prepare us to fight for the best interest of our clients, and we are able to see the direct impact our work has on the lives of our clients."

Alyssa Douglas
Criminal Defense Clinic

"I knew when applying for the clinic that I was going to work hard but it would be a better lawyer. What I certainly did not expect was how much fun I would have with everyone in the clinic, even including Donnie. It's surprising I know! At first, I wondered why I was placed in the Caprock clinic with Donnie. Now, I understand, and I love that I get to pester Donnie every day!"

Emily Lawrence
CRPDO Clinic

WORDS FROM OUR STUDENTS

"My experience in the Civil Practice Clinic has definitely been the most valuable thing I have done in law school thus far. I would definitely recommend for everyone to try to participate in a clinic because of the real lawyering experience that you get that cannot be taught in a classroom."

Rachel Hood
Civil Practice Clinic

"Before attending Texas Tech School of Law, a mentor told me about the Clinic Program and how it actually exposes students to the practice of law. Now, working in the Criminal Defense Clinic, I understand what he meant. This experience provides me the opportunity to zealously advocate for those who cannot help themselves by negotiating with prosecutors, applying the law to real-world circumstances, and discussing issues with clients. I am thankful for this opportunity, the helpful staff, the professors I am learning from, and the people I am learning with!"

Symphony Munoz
Criminal Defense Clinic

"The Advanced Alternative Dispute Resolution Clinic was a fantastic learning opportunity. I am very grateful to Gene and Professor Spain for offering their feedback, skills, and developing a program with immense hands-on experience. I am confident that my time in the ADR Clinic will be valuable and relevant in my future career."

Payton Saunders
Advanced ADR Clinic

"My experience in the Caprock Clinic has been invaluable. The work we get to do helping indigent people in the rural counties around Lubbock has completely changed my worldview. It is a rare opportunity to be able to champion for those who may have never had anyone in their corner before and to learn more about the law while doing it. I love working with my peers and under Donnie, we genuinely have a blast!"

Brookley Schroeder
CRPDO Clinic

"CDC just wouldn't be CDC if not for our amazing clinic professors: Pat Metze, Dwight McDonald and Donnie Yandell; truly some of the best professors around—anywhere. They're like the supportive lacrosse coaches I never had due to my complete lack of interest in that sport. Dwight is one of the most available and conversational professors I've ever had. He puts the "open door" in "open door policy." I'd highly recommend any students interested in joining a clinic to head on over to his office with questions, concerns, or maybe if you just have some free time and are looking for a fun place to hang out. While Donnie is usually preoccupied with the Caprock clinic we've still had many awesome conversations regarding his passions, on topics ranging from neoclassical ballet to his proclivity for non-contact sports. Word to the wise—Donnie is an outspoken vegetarian and leaving fresh veggies on his desk is the key to his heart. Finally, there's Pat, our fearless leader. Pat is one of the most openminded professors on campus. For example, while Pat may be the head of the criminal defense clinic, you can often hear him talking up our local prosecutors and police because (as he loves to say) we all play an equal part in the pursuit of justice. He's also a wealth of knowledge on personal injury and family law, so if you're interested in getting into either of those fields be sure to darken his door. Join the clinics; you won't regret it!"

Thomas Beach
Criminal Defense Clinic

"I am so grateful to have been able to participate in the Advanced ADR Clinic! It has been very rewarding to mediate so many cases by assisting parties in communicating. I have loved learning from Gene and Professor Spain as well as the other mediators and attorneys at the office!"

Taylor Trinh
Advanced ADR Clinic

WORDS FROM OUR CLIENTS

"Thank you very much for everything me and my wife are very happy for all help you provided to us – again, thank you and God bless you and your family."

Best regards,
Mr. and Mrs. L
Tax Clinic Client

"Xenna was professional, helpful, and very nice in explaining everything I was confused about."

Civil Practice Clinic Client

"Lisette, mom (your client, CR) received your letter today. She was very impressed with you, thought you were so nice and respectful. I agree. Thank you for handling the Deed Transfer so quickly and professionally. We went straight to the courthouse and filed it with the Lubbock County Clerk's Office. You'll be a fine lawyer and will make TTU Law proud! Thank you Professor Spain for accepting my mom's case!"

Sincerely,
I.S.
Civil Practice Clinic Client

CLINICAL PROGRAMS MANDATORY INFORMATION SESSION
FOR 2022-2023 STUDENT SELECTION PROCESS SCHEDULED

Clinical Programs Mandatory Information Session

**Tuesday, January 25th
Noon – 12:50 p.m.
Lanier Auditorium**

If you are interested in applying to participate in a clinic during the 2022--2023 academic year, **DON'T MISS OUT!** Make plans to attend this 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>

Lunch Provided!

Current students will be Available to answer questions as well!

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

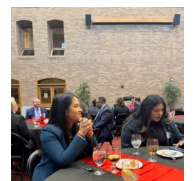
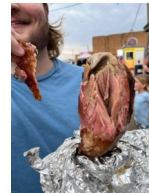
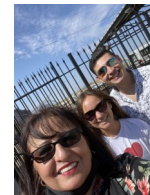
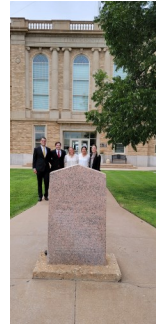


More information will be provided during the information session by all clinic directors. If you are currently a 2L student you will be able to apply to participate to any of the clinics. If you are currently a 1L student, you will be able to apply to the Advanced ADR Clinic.

Selection process for Students Interested in Participating in the Clinical Programs during the 2022-2023 academic year will begin in late January! Mandatory Information Session is scheduled for January 25, 2022 in Lanier Auditorium.

Watch for announcements coming in January and visit the clinic website at <http://www.law.ttu.edu/acp/programs/clinical/> for more information!

SNAPSHOT CORNER



SNAP SHOT 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. MetzeCriminal 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 ValentiniAdjunct Professor
Advanced ADR Clinic**Donnie Yandell**Chief Public Defender
Caprock Regional Public
Defender Office**ADMINISTRATIVE
STAFF:****Elma Moreno**

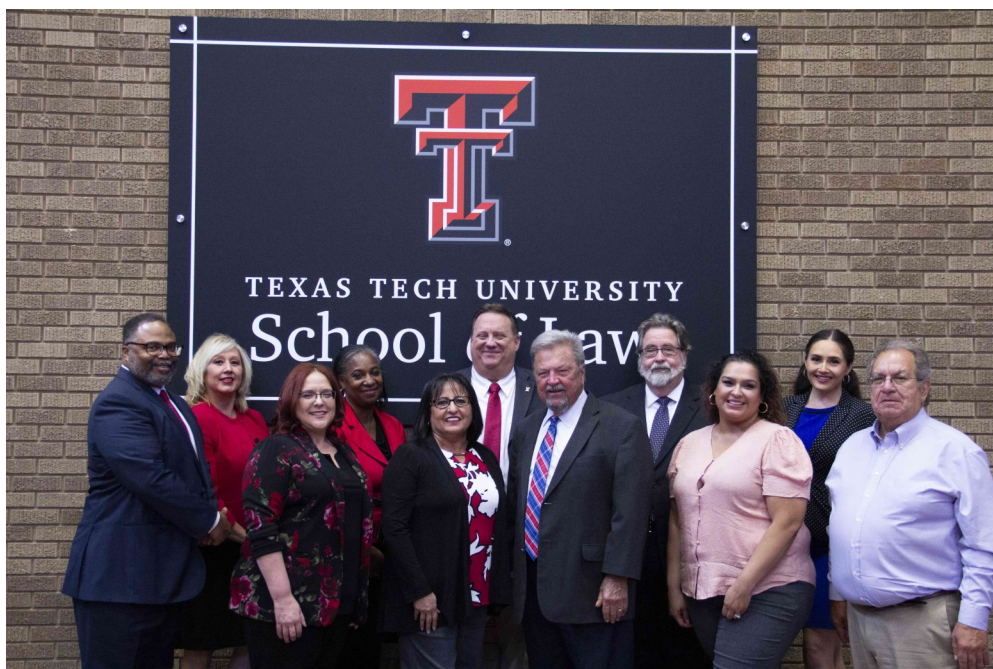
Office Manager/Legal Assistant

Nancy Mojica

Senior Business Assistant

Lori ObandoSenior Business Assistant for
CRPDO**Marya Lujan**LITC Community Outreach
Coordinator

FROM THE
CLINICAL PROGRAMS
FACULTY AND STAFF



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



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CLINIC NEWS

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