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1 Low Income Taxpayer Clinic
   By Peter Skrief ‘09

When a spot opened up in the Low Income Taxpayer Clinic, I jumped at the opportunity. My enthusiasm was well founded. The semester I spent in the LITC turned out to be one of the most educational and meaningful experiences I have had at Michigan Law.

The semester in the LITC proved challenging and rewarding for the opportunities it presented outside of the classroom. Working with a partner was great practice in collaboration and in divvying up tasks efficiently. We put to use skills not taught in the classroom, like how to interview clients and how to counsel them on their options. We dealt with headaches like when clients skipped meetings. We managed case files. We kept straight the particular issues facing our clients and their respective deadlines. We turned to the supervising attorney for her knowledge and practical abilities yet we gained confidence in handling matters on our own. We saw how the tax code affects everyday life. We considered the ethical responsibilities of a lawyer on a practical level. We communicated with the I.R.S. on our clients’ behalf. We felt part of a larger legal community, as when we met with lawyers from the IRS Office of General Counsel in Detroit and then saw them the next week when we represented clients in tax court. We gained the confidence of our clients. We were happy to find solutions for our clients and disappointed when things did not work out. We took pride in providing a service for those who might not otherwise have found assistance.

For the practical experience, the LITC was one of the most educational experiences I have had at Michigan Law. For the opportunity to provide a service for someone in need, the LITC was also one of the most meaningful.

2 Environmental Law Clinic
   By Ralph Schofield ‘09

I registered for the Environmental Law Clinic during the Winter 2008 semester. As a student in this course, you are an intern with the counsel to the National Wildlife Federation Great Lakes Natural Resource Center. During my semester, I was exposed to a variety of issues facing the NWF, including invasive species in the Great Lakes and a challenge to the state’s ballast water statute. But the vast majority of my time was spent working on a Clean Water Act case. In that case, the NWF was challenging a permit issued by Michigan to a city’s water and sewerage department. The permit allowed for mercury discharges in excess of what was permitted by, as we read them, a previous consent decree, state regulations, and the state’s own mercury permitting strategy. As you might guess, some of the arguments that had to be made involved statutory (and regulatory) interpretation, issue and claim preclusion, waiver of claims, and the requirements of agency rulemaking.

As an NWF intern, you meet periodically with an attorney, but unlike other clinics you rarely have anything that
resembles a lecture. Instead, you record your hours as you work independently on your case. I was able to draft a pre-hearing statement, summary judgment motion, a reply to the city’s and to Michigan’s summary judgment motions, and even letters to the opposing counsel explaining why their defenses clearly didn’t hold water. Instead of simply editing my work and submitting it, the supervising attorney gave me suggestions on how to restructure my motions to be more effective. He allowed me a few chances to perfect my work before it was delivered to the court and opposing counsel.

I’m a litigator at heart, so I knew this brief-writing experience would be helpful. At my summer associate position after my internship with the Environmental Law Clinic, I drafted another summary judgment motion and noticed a remarkable improvement in my abilities. I also expect my career to involve a significant amount of Clean Water Act litigation and permitting work. My semester was clearly well spent.

International Transactions Clinic

This fall marks the launch of a new clinic at the law school, the International Transactions Clinic (the “ITC”). A wide range of international transactional experiences will be offered to students participating in the ITC. These include representing socially responsible investors that want to see their international investments provide both a positive social as well as financial return, providers of microfinance services and products that work at the base of the economic pyramid in emerging markets, and multinational corporations and other types of business enterprises that are conducting cross-border transactions, to name a few. As described by Dean Evan Caminker, the newly launched ITC will:

- concentrate on teaching students skills that are
critically important to their professional development as they enter into practice areas that involve international transactions. These include drafting and negotiating skills as applied to cross-border transactions, exposure to ethical issues that arise in the international commercial context, structuring and documenting investments in enterprises that primarily work in emerging markets, and an understanding of international economic and financial policy.

In short, the ITC aims to be a training ground for highly qualified lawyers who graduate already experienced at representing clients’ interests in an increasingly globalized and complex world.

Eleven students, 10 JD candidates and one LLM candidate, are participating in this first year of the ITC. Here are some of the reasons that Luis Avila ’09, Ji-Yeon Suh ’09, Joydeep Dasmunshi ’09, and Nicole Lonsway ’09 joined the ITC. According to Luis Avila, “Through my courses in Transnational Law and International Trade Law, I have begun to discover the areas I am most interested in within the broad category of international law and this clinic seems to ‘hit the nail on the head,’ so to speak.” For Ji-Yeon Suh, the ITC offers a “rare chance to handle international transactions as well as the equally unique opportunity to manage them in a way that promotes positive social change.” Joydeep Dasmunshi expects the ITC “to be an early step in [his] career as a transactional attorney helping to coordinate and implement major cross-border transactional deals.” Nicole Lonsway sees the ITC as an opportunity for “honing my communication and language skills, applying my knowledge from previous law school courses like Contracts and Transnational Law, and learning how to conduct negotiations and draft crucial documents needed in cross-border transactions.”

Like other clinics, the ITC provides real-world experience for students working on real matters for real clients under the supervision of faculty/professors – in this case, Professors Michael S. Barr, Deborah Burand, and Timothy Dickinson. Unlike other clinics now found in US law schools, however, the ITC combines an international and transaction focus.

As Kate Wagner ’09 notes, the ITC offers internationally-minded students like her “the chance to work directly with clients and have a more hands-on learning experience.” Deborah Burand, the newly appointed Director of the ITC, adds “With the ITC, we are offering a rich and unique clinical experience for students. I easily can imagine a 10th year reunion of this inaugural class of ITC graduates where we learn that the ITC experience helped to advance their international legal careers in business, government, international organizations, and the not-for-profit sector. We say we are launching a new clinic, but we also are launching a new community.”

Child Advocacy Law Clinic

By Brandon Saunders ’09

What I’ve taken out of my experience with the Child Advocacy Law Clinic is the sensation of standing next to a woman who expects to lose and helping her remember that she deserves to win. On paper, the adversarial nature of litigation is a clean and high-minded thing. We learn early in law school that justice requires opposing interests and a disinterested arbiter, with an array of outcomes that are generally understandable. Even the most outlandish decision is usually reducible to the sometimes idiosyncratic combinations of personality and policy, doctrine and precedent.

All of these are present in a clinical setting. And all of these are entirely beside the point when you’re trying to keep your client from sobbing until you’ve gotten her into the hallway. What matters then is whether she can trust you when you tell her that it might still be all right. And whether she trusts you is a function only of whether you’ve worked hard enough to begin balancing out the fear she has of the other dozen people in that courtroom.

There is the judge, who’s chastised her for admitting only that her house was “dirty” and not “filthy.” A case worker who told her that if she didn’t let her homesick daughter be placed on experimental anti-psychotic drugs, she might never see that daughter again.

There’s the memory of her first attorney, who told her she wasn’t clean enough to attend her own trial and that losing her kids would be the best thing to ever happen to her.

And others. The interns and court reporters who won’t look her in the eyes, and on this day a deputy who’s come to
serve her papers saying she has failed to protect her children from something she didn’t know happened. Saying the state doesn’t think she should get her children back. Ever.

These are details that won’t make it into evidence, let alone a casebook, but they are integral to your client’s experience and inseparable from the injustice she’s trying to avoid.

The obvious enough truth is that all cases begin without doctrine or category, with only a story that intersects with the law. Equally obvious is that your clients’ lives will soon become, to the justice system, a few words on the last page of a court record. The value of a clinical education to me has been the opportunity, before my clients become the details of dispositions, to have a hand in how their stories get told.

Children’s Rights Appellate Practice Clinic
By Rachel Taylor ’08

I was initially hesitant to participate in a litigation clinic. My prior work experience in a corporate firm led me to believe I was more suited to transactional work. However, I decided to apply for the Children’s Rights Appellate Practice clinic because I heard so many positive things about it. It was a great decision. Participating in the clinic turned out to be one of my best experiences in law school.

The clinic started with class sessions designed to give us a background in child welfare law and appellate litigation in Michigan courts. Professor Brown laid a solid foundation for us through class discussions, guest speakers and workshops. By the time we received our cases, we were ready to hit the ground running.

I was assigned to represent a minor in a termination of parental rights proceeding. It was truly my case from the day I received the file. Of course, Professor Brown offered her wonderful guidance along the way, and she made herself accessible to me whenever I needed help. However, I bore the ultimate responsibility of my client’s case. I trudged through the lengthy court transcript and exhibits to discern the important facts. I made the decision to advocate for termination of the mother’s parental rights. I performed the research and wrote the brief that was presented to the Michigan Court of Appeals.

Acting as first chair of the case was an exciting and new challenge for me. For the first time in my law school career, the decisions I made directly affected a client’s life. That motivated me to put forth my very best efforts to help my client, who had endured very difficult circumstances. As a result, I really improved my writing, advocacy and analytical skills. I was proud of my work product, and I was even more pleased that the Court affirmed my client’s position.

Overall, my experience in the Children’s Rights Appellate Practice clinic was very rewarding. Participating in the clinic increased my confidence in my abilities. It also showed me that I may have a knack for appellate litigation. Most significantly, participating in the clinic reaffirmed my desire to practice law.

The Children’s Rights Appellate Practice clinic reminded me of the impact I can make in my community through my profession. I left the clinic with a new understanding of what being a lawyer means for me.

Poverty Law in a Medical/Legal Collaborative Clinic
By Sara Beardsley ’09

I am not the first student—and I’m sure I won’t be the last—to have entered law school without a sense of what lawyers can do. This is especially remarkable given that I come from a family of lawyers and have seen what they do—trusts and estates, litigation, corporate law, health regulation, and other practice areas at large firms. But, as experiences in a legal clinic—in particular, Poverty Law in a Medical/Legal Collaborative—have taught me, there are dozens of ways to practice law other than sitting behind a desk. And those experiences can be just as satisfying as solving the arcane legal puzzles that law firms and law classes seem to espouse.

Among the assortment of experiences I have had as an advocate in the Poverty Law clinic are (1) scouring a client’s Social Security Administration correspondence to determine where the calculations were flawed; (2) listening with a tissue as a mother explains her son’s need for a better education plan; (3) writing a Personal Protection Order to shield a child from his abusive father; (3) exchanging aggressive phone conversations with opposing counsel about the scope of discovery; and (4) standing up to a judge in court who had misconstrued the Michigan standard for eviction.

Although all these experiences fall firmly within the practice of law, none of them were options I contemplated when I enrolled at the University of Michigan. Working for
a clinic is unlike classroom learning because it opens the door to a new spectrum of challenges that you, a law student, are uniquely equipped for. It enables you to harness your reservoir of legal knowledge to do things that really help people—things as basic and crucial as deciphering SSA jargon, writing legal documents, and leveraging common-law doctrines to your advantage.

In law school we have the tools to do so much more than the specialized practice areas that appear in modern law firms. We have accumulated an amazing breadth of knowledge. An understanding of contracts, torts, and statutory construction can be more than just the building blocks to other expertise: they can be put to use right now. Working in a clinic forces you to “practice” law rather than simply study it.

Having spent over a semester now working for Poverty Law in a Medical/Legal Collaborative, I have found that it has reinvigorated my faith in the legal profession. I am amazed at how easily a small amount of legal expertise can change the outcome of a person’s life, and I have seen how the law can be wielded to do justice. This appreciation did not come from my parents’ stories of corporate deal-making, but from my own efforts to mitigate the hardships faced by those less fortunate.

**Law Students to Work on Freeing Innocent Inmates**

By Joe Swickard, Free Press Staff Writer, August 10, 2008 [Reprinted with Permission by the Detroit Free Press]

The odds will be steep, the clients reviled and the long path ahead is already marked by rejection and failure. But that’s just fine when the potential payoff is freedom and justice, said University of Michigan law professors David Moran and Bridget McCormack.

Moran and McCormack are spending the summer setting up the Michigan Innocence Clinic, a student law clinic to challenge what they believe are wrongful convictions of innocent people. They plan to be fully under way by the winter semester, and in the fall they plan to select student participants and begin reviewing potential cases. Their model is the famed Innocence Project founded by Barry Scheck, part of O.J. Simpson’s legal dream team, but with a crucial difference: Their appeals will not be based on DNA or similar scientific material. Instead, they will go after jailhouse snitches, lazy lawyers, shady cops and overlooked evidence.

Scheck, who knows both Moran and McCormack, said in an e-mail that such legal clinics are needed because “only 5 to 10% of all criminal cases involve biological evidence that could be subjected to DNA testing.” The clinic was just accepted as part of the Innocence Network, a national organization of groups investigating and overturning wrongful convictions. The Thomas M. Cooley Law School in Lansing has a DNA-based innocence program. Even though the U-M clinic has not officially started, “the letters from prisoners are already pouring in,” said Moran, who joined the U-M faculty after stints with Wayne State University and the State Appellate Defenders Office.

The Innocence Clinic will be a program where selected students will investigate and work on cases in which all the traditional and routine appeals have been exhausted but that appear to be wrongful convictions. And because they are not focused on DNA, the clinic’s cases will expose students to frauds, thefts and other crimes and give them hands-on experience tracking down and interviewing witnesses, surveying crime scenes, reviewing case files and revisiting old police files.

Moran brings a fighting spirit to classes and courts, said Timothy Baughman, head of appeals for the Wayne County Prosecutor’s Office who held joint seminars with Moran and squared off against him in cases that went all the way to the U.S. Supreme Court. “I always want the defendant to have the best representation possible, and professor Moran provides that to his clients,” Baughman said.

To winnow promising cases from the meritless jailhouse “I was framed” chorus, Moran and McCormack put together a 19-page questionnaire covering witnesses, confessions, tests, evidence and past attorneys. Moran said they take on cases knowing they have to meet a higher standard just to get back into court: “We are looking for new evidence -- and we have to show why that evidence wasn’t presented the first time and why the new evidence is likely to result in an acquittal.”

McCormack said students will be asked to commit to spending at least two semesters with the clinic -- twice the usual commitment. “The case we take will tend to be big and sprawling, so we’ll have to start slowly,” she said.

Moran said the clinic could work up to 10 years on a case, meaning that a project could pass through the hands of dozens of aspiring lawyers, training them in identifying appellate issues and investigative techniques. DNA exonerations have captured the public imagination, and television shows like “CSI” have given criminal justice the patina of scientific certainty from microscopic examination of blood and other
In the general clinic, I was fortunate to have the experience of working on a commutation case for an incredible client. While I was relatively unfamiliar with these cases when I started the general clinic, I now understand the great amount of work that goes into asking the Governor to shorten a defendant’s sentence. During the semester, we met with our client in prison a few times, we prepared witnesses for the parole board hearing and prepared the written file. In addition, I was able to testify on her behalf at the Parole Board hearing. Throughout my time working on the case, I was surprised by how much I grew to like our client and how much I hoped she would be released. I was struck by her positive attitude, her desire to make the best of her situation and her determination to prevent others from making the same mistake that she did. She admitted that she should not have driven someone to buy marijuana, but when she was seventeen she did not realize how much she would come to regret that decision. Unbeknownst to her, the people that she drove to buy marijuana brought guns with them and someone was killed that day.

After serving almost seventeen years, she was told that she would have the chance to present her commutation request to the Parole Board. At the hearing, over twenty people, including family, friends and people who had worked with her in prison, testified what a positive impact our client had on many people’s lives and what a waste it would be to keep her in prison. We presented evidence of all the things that she would do to ensure that she did not make any more mistakes like the one that forever changed her life. We left the hearing thinking that it had gone well, but we knew that we were fighting an uphill battle, since very few commutation requests are ever granted.

At the end of the semester, we still had not heard from the governor and did not know if her commutation request would be granted. Amazingly, over the summer we were told that the Governor had granted her commutation request and she would be released in a month. A few weeks later, I visited her in prison and was able to hear her talk about how happy she was to see her family, leave the prison walls and learn how to do things I take for granted, like e-mail. I was ecstatic for her and I eventually realized that even before I passed the bar I was able to advocate on behalf of someone who deserved a second chance. I cannot explain what a great experience I had, but can only recommend that you spend one semester getting practical experience where you have the chance to impact someone’s life. The experience is unlike anything else that I have experienced before.

1 Before a commutation case goes to the governor, the parole board hears witnesses, receives written documents and makes a recommendation to the governor.