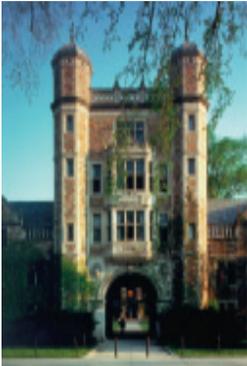


Clinic Times

FALL 2010

A NEWSLETTER OF THE CLINICS



Inside:

- 2 *Mediation
- 2 *Advanced Mediation
- 2 *LITC
- 3 *Pediatric Advocacy Clinic
- 3 *Michigan Innocence Clinic
- 4 *Juvenile Justice Clinic
- 4 *Environmental Clinic
- 5 *Child Advocacy Clinic
- 5 *Urban Communities
- 5 *Criminal Appellate Practice
- 6 *International Transaction Clinic
- 6 *General Clinic
- 7 *In The News

Human Trafficking Clinic: Creative Advocacy for Compelling Clients

By Jane Khodarkovsky, Elizabeth Campbell and Phil Smith

Twenty-four girls between the ages of ten and nineteen were trafficked to the United States, forced to work over fifteen hours a day in hair-braiding salons, refused their wages, adequate food and necessities, and in certain cases sexually assaulted. That



is one face of modern day slavery. These young women were rescued and their cases came to the **Human Trafficking Clinic**. We were motivated

to work on these cases because of the clients and their compelling stories. Clinic students are responsible for handling these girls' immigration issues, but the unique part of working with these clients is that students learn much more than immigration law; students must learn a range of skills to advocate for their clients. For example, as students, we had to communicate with law enforcement like FBI/ICE/DHS to ensure the girls were not immediately deported; advocate for local and federal prosecutors to take the case; and most importantly develop a trust with the clients, who were weary to trust anyone in authority based on their years of captivity and abuse.

At first, developing a voice as an attorney, while working to understand the more nascent immigration and trafficking laws, was daunting. And, because the cases are complex and require awareness of cultural relativism, students working to find their own voice must also remember the voice of their client. With the unparalleled support and encouragement from Professor Carr, who has a deep knowledge of the law and compassion for her clients, we grew as

lawyers. We also learned from our classmates - the other students in the **Human Trafficking Clinic** were tireless in their efforts, courageous in their desire to learn from their mistakes, and genuine in their excitement about working to carve out protections for our clients.

Creativity was important in the **Human Trafficking Clinic**. For example, laws around human trafficking have been infrequently litigated, which leads to uncertainty, as well as opportunities for advocacy. In addition to working on their particular case, students also worked on a project aimed at trafficking more generally. These projects ranged from creating a municipal tool kit, to crafting amendments to existing laws and crafting laws on restitution and tax laws that directly affect clients. Over the semester, we worked hard on the cases of individuals, while remaining aware of the larger impact and precedent the case and their work will have on others' efforts to combat trafficking in persons. Having a chance to learn about the law, its application to real cases, and the point of view of different actors in these cases enabled us to be more well-rounded attorneys.

UCC: Building Blocks for Associate Work

By Aaron Bass

In the **Urban Communities Clinic**, I had the opportunity to perform actual transactional work for clients involving both for-profit and non-profit entities, all of whom needed and greatly appreciated the work we performed for them. Under professors' supervision, students managed the day-to-day dealings with clients, including drafting the engagement letter, articles of incorporation, and corporate bylaws, as well as conducting meetings and gathering information from the client. The knowledge gained in the UCC gave me a head-start on my colleagues at my summer associate position, allowing me to complete these tasks quicker and better than had I not conducted them all before in the UCC.

I have also found myself to be more aware of my role as a counselor and advisor to the client through



our weekly **Urban Communities Clinic** meetings where we explored attorney responsibilities and ethics. I wondered if this would apply in the real world, and was surprised to encounter a few of these issues in my summer associate work. Working with clients and thinking through issues in the UCC helped me deal more appropriately with new clients. The UCC experience has already proved to be valuable before even becoming a licensed attorney.

Mediation: Problem-Solving and Collaboration

By Tina Han

As one of only a few mediation clinics offered in country, the **Mediation Clinic** is a rare gem and a major reason behind why I came to this law school. Students integrate what they learn in the classroom to their work and practice with actual clients on a variety of court cases and issues. Mediation works on the premise that the legal system does not always have to be cold and adversarial. With the right conditions, understanding, motivation, and mix of interests, mediators can create and foster a collaborative and empowering environment that will allow the parties to reach an agreement on their own, with their own terms.

Mediation's collaborative spirit extends to the clinic's classes. Students engage in thoughtful discussions and provide their own insight and experiences in order to help their fellow classmates. By working with such a small group, law school became more human for me. The small classroom environment and the calm way in which the professor conducted class put everyone at ease and made the learning experience enjoyable.

Students complete a 40-hour mediation training over the course of two weekends, in which they learn about mediation theory and techniques, practice role-plays, and receive feedback from experienced evaluators. After the training, students are able to mediate court cases in Wayne County. The clinic does not just throw its students into the water to sink or swim. Instead, I co-mediated both civil and criminal cases. It was amazing to see the physical



and mental change in the parties, who often come to mediation tense and in a foul mood and leave feeling relieved and satisfied. It was personally satisfying to applying my skills knowledgeably and competently to effect

positive changes in others.

Mediation is relevant in the legal world and beyond. Whether one becomes a mediator or is practicing family, environmental, or business law, chances are one will participate in mediation at some point in one's career. Outside of the law, mediation is also useful for life in general. The **Mediation Clinic** has been the best and most fulfilling part of my time in law school.

Advanced Mediation

By Johnson Ho

In my third year of law school, I participated in Mediation II, which is a continuation of Mediation I. The central difference between the two is that you are already trained and certified as a mediator. Because these requirements have been met, you plan your own schedule, pick your own cases, and have much more hands-on work than in Mediation I. I think that experience helps you develop a sense of comfort and confidence lacking in the first few attempts to mediate. You understand that the process of mediating is extremely flexible and that you can truly make it your own.

The cases ranged from landlord-tenant and commercial disputes to family affairs. You decide what you prefer to mediate. I primarily mediated small-claims, probate, and truancy cases in Wayne County. What I enjoyed most were the personal interactions, the process of brainstorming compromises, and the times when I helped the parties avoid a disastrous outcome.

Finally, the skills you learn are invaluable. You have the opportunity to use your creativity to craft inventive solutions. You learn the benefits of mediation as a non-litigation alternative, which clients and courts increasingly favor. And you develop the interpersonal and empathy skills which the classroom does not teach.

Low-Income Taxpayer Clinic

By Justin Gayle

My only regret about the **Low Income Taxpayer Clinic (LITC)** is that the experience did not come sooner. After two and half years of law school, I was tired of classes and looked forward to moving on to something (or anything) else. Fortunately, in my last semester, I took the **LITC** to get experience and prepare myself to be a practicing attorney. Among other things, in the **LITC**, I saw the value of hard work and empathy to being a good lawyer and learned skills such as client counseling and negotiation. The **LITC** far exceeded my expectations and provided me with valuable experience.

Oddly, I was reminded of the clinic while preparing for the bar exam. The bar exam is one of those experiences where words seem to fall short when attempting to describe it. "Brutal" and "exhausting" come to mind, as do quite a few others, but none of them quite capture the essence of this marathon war of rote memorization. There are hundreds and hundreds of mind-numbing multiple-choice practice questions, each with more bizarre facts developed to highlight technical rules and exceptions.

Once in a while, though, I would come across a problem that reminded me of something I did in the **LITC** just enough to shift my perspective. Although legal topics covered in the **LITC** did not come up on the exam, I did my best work on essay problems because my work in the clinic helped me supplement rule regurgitation with deeper analysis and problem solving. My writing benefited from

the clarity and directness needed to explain a complex problem without legal and technical jargon; a skill honed in the **LITC**.

Like many people during bar preparation, I would sometimes ask myself “why am I doing this?” Thanks to my clinic experience, the answer was not just simply because I had to pass, but because I wanted to pass so I could practice law. Passing the bar exam may be a necessary step to becoming an attorney, but the **Low Income Taxpayer Clinic** is the reason I am confident that I will be a successful attorney.



Pediatric Advocacy Clinic: A Broad Range of Lawyering Experiences on Behalf of Low-Income Clients

By Scott Turbeville

After completing a semester of the **Pediatric Advocacy Clinic** (formerly called the **Poverty Law in a Medical Legal Collaborative Clinic**) and signing on for another semester of the Advanced Clinic, I can comfortably say that it has been one of the most rewarding and important classes that I have taken at Michigan Law School. The clinic, through its relationships with community health clinics and hospitals, works with doctors and social workers to help low-income families solve their interrelated medical and legal problems. The clinic’s name, however, does not provide a complete description- a referred client’s initial problems often lead to other issues, and students regularly are able to work on a range of solutions for clients that are not limited to a “medical legal collaborative.”



My **Pediatric Advocacy Clinic** assignments took me from collecting bedbug specimens to be used as negotiation leverage in a landlord-tenant dispute, to helping clients resolve benefits issues with the Department of Human Services (DHS), to drafting and filing an appellate brief arguing that DHS’s stance in a benefits dispute was unconstitutional. Other students’ experiences were just as varied, with many regularly appearing in court on

behalf of their clients. Professors Anne Schroth and Debra Chopp are incredible mentors and attorneys. They provide excellent feedback, are always available to offer advice, and encourage students to form case strategy and make important decisions.

My caseload responsibilities helped prepare me for my summer firm job and future career. I was provided with the skills necessary to draft and file pleadings and a forum to practice advising clients and negotiating with opposing counsel. As importantly, the **Pediatric Advocacy Clinic** provided me with an appreciation

Michigan Innocence Clinic: Picking the Good Fight By Caitlin Plummer & Imran Syed

Prison is not a nice place, but we kind of love going there. That is because, as part of our work in the **Michigan Innocence Clinic**, the two of us have spent more than a year now trying to get an innocent man out of prison. Perjury, police misconduct, and a system that seems to prefer guilt to innocence worked to put this man away for life. Nearly a decade later, it has fallen to us in the **Innocence Clinic** to set things right.

Every skill we have learned, or could hope to learn, in law school has gone into our development of this case — reading and distilling voluminous case files, isolating key issues, finding witnesses, previous lawyers and police officers (and getting them to talk), pursuing lines of evidence that went curiously unexplored, and, of course, writing and filing motions and briefs.

Whether or not we will ultimately succeed remains to be seen, but one thing is clear: To say that working in the **Innocence Clinic** is worthwhile would be an understatement. In fact, if your work in this clinic is not the most meaningful, productive and useful part of your law school experience, then you did something wrong.

It is easy to fall into hyperbole, so we’ll stick to the facts for the moment. Since the founding of the original Innocence Project in 1992, 258 wrongfully convicted people have been exonerated through DNA (as of August 2010). That’s wonderful, but DNA evidence is only available in about 10 percent of all crimes. Until very recently, there was no one around to clean up the mess in 90 percent of all cases.

The **Michigan Innocence Clinic** is the first such clinic to work exclusively on non-DNA cases. Yes, that makes the job much harder. Most of the work we students do in this clinic is investigation and deduction — more Sherlock Holmes than Atticus Finch. We review case files that are often 15-20 years old and devise ways to gather new evidence and craft the best possible case for innocence. Even after concluding that a particular inmate is innocent, we have to evaluate procedural barriers that often work to deny relief regardless of innocence.

Given these challenges, only a small percent of cases that receive an initial review in the clinic are even flagged for further



investigation. An even more select few proceed to become accepted cases that the clinic will litigate. As of August 2010, about 1,300 prisoner applications have been reviewed, out of which only about 250 were designated for further investigation and just 12 ultimately became accepted cases. The official exoneration count is at three.

Against those daunting odds, we hope to make Donyelle Ferdinand Woods exoneree number four.

Juvenile Justice Clinic: Love at First Class

By John Seber

We got right down to business in the **Juvenile Justice Clinic**. On the first day of class, we discussed a handful of prisoners that were serving life without parole sentences for crimes they committed as juveniles. In researching most of these prisoners, we found issues surrounding their convictions and compelling signs of rehabilitation. As a group, we selected two individuals to help with clemency petitions. For the students like me who sought out a clinic in the hopes of finding inspiring work, it was love at first class.

The **Juvenile Justice Clinic** revived my dying interest in the law. In the Fall 2009, I skipped about half of my classes—fed up with the esoteric rules that I'd only discard as soon as I turned in my exams. After that first JJC class, however, I felt like my work would finally matter.

Student attorneys in the **Juvenile Justice Clinic** represent juveniles charged with offenses ranging from common misdemeanors to serious felonies. I appeared in court roughly once every two



weeks. The class was used to help us develop insight into our cases and our skills as lawyers. We learned how to handle client interviews, gather information,

conduct negotiations, examine witnesses, argue in front of a judge, and manage a trial. We also studied foundational juvenile justice issues: cognitive development, the roles of probation officers, in-school disciplinary systems, and potential ethical dilemmas.

At several points throughout the semester, I sat in the gallery and watched young children appear in court for the first time. Quite often, they'd cry, head down, as they stood in shackles before an imposing judge. In the **Juvenile Justice Clinic**, those children make up the client base. We got to help clients who really needed and appreciated it, all the while becoming better lawyers.

Gaining Experience and a Job from the Environmental Law Clinic

By Kyle Recker

During my last semester at UIM Law School, I participated in the **Environmental Law Clinic**. It was a great experience and provided me with the opportunity to contribute to environmental issues that were important to me and that have both regional and national impact.



Students in the clinic work on projects for the National Wildlife Federation, under the supervision of Neil Kagan. The cases include complex environmental issues and the work can have a real world effect on the direction that environmental policy takes in the

Great Lakes region and in the entire country. The projects I worked on gave me valuable experience and gave me “talking points” during interviews. Including the **Environmental Law Clinic** on my résumé helped me land the job I have now because it attracted the attention of the hiring attorney, a former student who had also taken the Clinic. Even if you don't plan on having a career in environmental law or haven't taken a class in Environmental Law, don't let this deter you if you have an interest in environmental issues. I did not take the Environmental Law foundation course, and the job I landed is not related to environmental law.

Of course, the best part of the **Environmental Law Clinic** is the opportunity to work on interesting and complicated assignments. I spent a large part of the semester drafting comments to submit to the Wisconsin Department of Natural Resources on a proposed rulemaking relating to

standards for urban and rural water runoff management. I learned a great deal – from my own research – about the negative effects of runoff into surface waters. The comments were



submitted to the Department over my own signature. It was a very rewarding project, of which I am extremely proud.

Child Advocacy Law Clinic: Real Life Experience

By Yonatan Berkovits

When you join the **Child Advocacy Law Clinic (CALC)**, you stop being a law student and start being a lawyer. Here's the difference. The typical law school exam is a series of absurd hypothetical questions designed to test your understanding of legal principles. All your supposed "clients" are nephews who were bequeathed Blackacre by their uncle or widget-makers whose factories were destroyed in a freak fire. Unless you join some widget-focused practice group, you are unlikely to encounter these situations in your actual practice.

In real life, clients' problems can't be solved by typing nonstop at a computer for three hours. Real clients want you to *resolve* their issues, not just spot them.

The **Child Advocacy Law Clinic** is real life.

The clients are sometimes struggling mothers in danger of losing their kids to the state. Or they are fathers fighting for the right to be part of their children's lives. Sometimes, they are even the children themselves. When you represent these people as part of **CALC**, you don't just sit in a room with a pen and paper, devising legal strategies (although you certainly do plenty of that). You also meet with and get to know the clients. You stand up in front of a judge and announce that you represent this mother, father, or child. That, in itself, is an empowering experience you just don't get in the rest of law school.

CALC operates not like a class, but like a law firm. While the professors are there to help with your cases, they're rarely going to just tell you what to do. This puts a huge power and an accompanying responsibility into your hands. You, not your professor, will appear in court. You, not anyone else, will negotiate with opposing counsel. The arguments you make have the power to sway an actual, real-life judge. It is not a hypothetical. The outcome can literally change a client's life.

Of course, there's nothing wrong with regular law school classes. But when you graduate, you'll be tossed rudely back into the real world. Whether you end up working at a giant firm or a tiny solo practice, very few of your clients will ask about the Rule Against Perpetuities. They will, however, all expect you to craft an argument, think on your feet and solve legal problems creatively. These are exactly the skills that students develop in the **Child Advocacy Law Clinic**.



Urban Communities Clinic

By Tim Cunningham

My experience with the Urban Communities Clinic was among the most valuable of my time in law school. The clinic allowed me to work with clients with diverse legal needs, exposed me to complicated ethical scenarios, and forced me to explore my own strengths and weaknesses as a lawyer.

Two particular aspects of the UCC stand out. First, the UCC clients are immensely rewarding to work with. I worked with UCC clients who engage in grass-roots community development work in distressed communities. These groups need a wide variety of legal services, which gave me exposure to a breadth of issues. I personally worked on issues ranging from Environmental Impact Statements to criminal trespass.

Second, the UCC professors allowed me to essentially manage my own practice. For one, I had to balance my clients' needs with other demands on my time. Additionally, while the professors and my classmates provided valuable guidance and input, the decisions on my cases were my own to make, which allowed me to grow tremendously as a lawyer. I learned about how to interact with different clients, how to monitor my own work-flow, and also how to create boundaries in my practice and my personal life. These lessons--on top of the practical legal experience I gained--helped prepare me for practice beyond law school.

Criminal Appellate Practice: Persuasive Writing Improved and Indigent Clients Served

By Zoe Rasmussen

The **Criminal Appellate Practice** clinic was a truly unforgettable experience, in which I further developed my research and persuasive writing skills.

In the clinic, students worked alongside attorneys from the State Appellate Defender Office to draft and file appellate briefs on behalf of indigent clients. We were first given an overview of the Michigan appellate system and taught how to spot appellate issues and write a persuasive brief. We then worked closely with Professors Newman and Van Hoek to develop the most compelling arguments for our clients. Students learned how to draft persuasive yet objective statements of fact for their cases. We then spent the bulk of the semester researching and writing our briefs. While this was difficult at times, it was the most of the **Criminal Appellate Practice** clinic. I improved my arguments with the guidance of the faculty and by dissecting the case with my classmates. Finally, we each presented oral arguments of our case to a panel of three "judges."



This opportunity exposed weaknesses in our arguments while affording us the chance to practice persuasive oral advocacy.

Each student meets with their client; an extremely moving and motivating experience. Throughout law school, it is easy to forget that real people are involved in each of the cases we read. Meeting with my client not only helped me understand the issues in the case, but also motivated me to work even harder to develop the best brief possible on his behalf.

In sum, the **Criminal Appellate Practice** clinic is a challenging and rewarding experience, even for students who do not want to practice criminal law.

Pursuing International Development and (Student) Professional Development

By Rutherford Hubbard



I took the **International Transaction Clinic** because it offers a unique opportunity to engage in international practice while in law school, and it gives students strong training in transactional work, strategic legal planning, and the chance to work with international clients.

Students in the **International Transaction Clinic** were first given a transactional crash course, in which we were introduced to the legal principles behind cross-border financing. While many of the students already had a background in financing and investment, several of the students, including myself, did not. We also learned about the structure of microfinance and the role that international financing can play in development, as well as comprehensive practical skills for completing international deals, from initial client interactions through the closing.

This intense period was valuable when we began to take on real clients, negotiate deals, and provide legal advice and services. The clients that we worked with presented an array of organization structure and legal needs; what they shared was a commitment to development and socially responsible investing. I had the chance to complete deals, explore enabling environment analysis, and work on compliance with anti-money laundering and combating

the financing of terrorism requirements. I was also one of several students who worked with the Business and Design schools, advising sustainable ventures developed by students. Other students had an equally varied experience, with some students preparing and delivering extensive presentations for clients in New York and Washington D.C.

The professors brought a level of excitement and energy to the clinic that inspired the students to push their own limits. Students were encouraged to take risks, challenge themselves, and, in the end, reach a level of practical proficiency far beyond what could be achieved in a traditional classroom setting.

Without question, the **International Transaction Clinic** has been the most compelling and professionally useful course I have taken at the law school. The clinic combined classroom skill development and professional application, all within a challenging environment created by top tier professors.

Rewarding Results in the General Clinic

By Jenny Egan

Edward George Carter went to prison when he was still a teenager. Two days after he walked out of prison last April, a free man, he became a senior citizen. In the interim, he spent 35 years in prison for a crime he did not commit. Being a lawyer on his case in the **Michigan Clinical Law Program's (MCLP) General Litigation Clinic** was a singular experience – I have no doubt that it will remain one of the most rewarding things I will ever do in my professional career.

Based only on cross-racial victim identification testimony, Mr. Carter was convicted of a rape that took place on the Wayne State University campus in 1974. He had no previous sexual assaults and there was no forensic evidence linking him to the crime. Police recovered fingerprints from the crime scene and they did not match Mr. Carter, but that fact was never introduced at trial.

Because the DNA evidence did not exist any longer, Mr. Carter could not find anyone to take his case. Yet, fingerprint evidence still existed in the file. In September 2009, an officer ran the prints through the FBI's Integrated Automated Fingerprint Identification System (IAFIS) database. There was a match. The fingerprints belonged to another man who had been arrested for four sexual assaults between 1974 and 1978. Two of those assaults took place on the Wayne State University campus.

The **MCLP General Clinic** got the case. In October 2009, my professor, another student attorney and I went to meet with Mr. Carter. Mr. Carter was serving a life sentence and had not spoken to a lawyer in more than 30 years.

For the next six months, I worked on Mr. Carter's post-conviction appeal. I reviewed all the evidence in the case, poured over the trial transcripts, investigated the forensic evidence, and tried to track down police officers, lawyers, and others involved in the case. Along with other **MCLP General Clinic** students, I researched and drafted a motion for a new trial, and to vacate

his conviction. The prosecution did not oppose the motion, and on April 14, the motion was granted.

It was an unusually warm spring day when Mr. Carter walked out of the Lakeland Correctional Facility pushing a handcart of his belongings and emerged into the bright afternoon sun. His younger brother Larry, who had not seen in nearly 18 years, met Mr. Carter with his arms held wide.



INTHE NEWS!!!

The Michigan Clinical Law Program gets favorable decision from court.

Article written by John Masson of the University of Michigan Law School.

YPSILANTI, Mich. – A long-running court case involving low-income tenants here ended favorably for the tenants, thanks to the cooperative efforts of students from two Michigan Law programs and Legal Services of South Central Michigan.

The students, from the general civil clinic and lawyers from the Michigan Poverty Law Program helped handle six years of complex federal litigation involving the 144-unit, HUD-subsidized Parkview Apartments. The settlement, finalized in May, ensures Section 8 housing vouchers for 144 current and former Parkview residents, as well as guaranteeing the Ypsilanti Housing Commission \$5.6 million in grant money to redevelop the property.

Michigan Law Prof. Paul Reingold, who directs the civil clinic, said 16 students worked on the case over the years, mostly from the advanced clinic.

“The community worked together to save Parkview,” Reingold said. “The case was a textbook example of how dedicated lawyers and student-lawyers can team up with tenants, with city officials, and with elected representatives here and in Washington to get a result that benefits the residents, the neighborhood, and the city.”

Ypsilanti’s mayor, Paul Schreiber, was equally impressed by the high level of advocacy, which included everything from the filing of an adversary action in bankruptcy court to the introduction of a special bill, which ultimately was passed by Congress.

“This community owes a debt of gratitude to the plaintiff’s lawyers,” Schreiber said. “Without their tireless and creative legal work, we wouldn’t be here today and we wouldn’t have this opportunity.”

Set 1-year limit for appeals of convictions? No NO: Rule change would deny access to justice to some wrongly convicted people

BY DAVID A. MORAN, *Detroit Free Press*, Op-ed September 16, 2010

<http://www.freep.com/apps/pbcs.dll/article?AID=/20100916/OPINION05/9160380/1336/OPINION/Set-1-year-limit-for-appeals-of-convictions&-No&template=fullarticle>]

Michigan parole board will consider Port Huron case

Associated Press; September 8, 2010

<http://www.freep.com/article/20100908/NEWS06/100908013/1008/Michigan-parole-board-will-consider-Port-Huron-case>.]

Human trafficking, exploitation is on the rise in Michigan

The Grand Rapids Press, September 6, 2010 (updated September 7, 2010)

http://www.mlive.com/living/grand-rapids/index.ssf/2010/09/human_trafficking_exploitation.html.]

U-M Law professor helps wage war against poverty: Alicia Alvarez is an advocate for Community development lawyering.

Detroit Legal News, July 30, 2010

<http://www.legalnews.com/detroit/694157/>]



