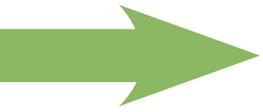


Classroom to





COURTROOM

BY SAMANTHA BRONSON

If one aim of a law school clinic is to advocate for those that cannot do so for themselves, then the case Brent Robinson 2L and David Montano 3L are handling fulfills this very mission.

As students in the University of San Francisco School of Law's Child Advocacy Clinic, the two have been assigned the case of a 2-year-old so malnourished that he is the size of a 6-month-old infant. Born prematurely with an intestinal condition, the toddler has undergone surgery for the problem but still requires high-caloric nutrients to be administered through a gastric feeding tube. Without regular tube feedings, the child's growth has stunted.

The students' role is not to lay blame, but rather to determine the best course of action so that the child can receive the care—both medical and emotional—he needs to flourish. Will services help the parents provide the proper ongoing care? Who should care for the child in the short-term? Is a permanent placement outside the home needed?

They'll advocate for the toddler through extensive interviews with family, doctors, and other medical personnel, ultimately speaking on behalf of the 2-year-old through all aspects of child welfare proceedings.

"You can't talk with them, you can't ask them what they want to do," Robinson said. "They're the most helpless client you could have. The recommendations we make could have dramatic, long-term consequences. That's definitely a large burden on our shoulders but I certainly feel like I'm having a big impact with my work in the clinic."

The case is but one of about 140 handled each semester by the USF School of Law's extensive clinical program. The program, which draws more than 50 students each semester and more than double the number of applicants, has

long been a key component of the law school. Its mission is two-fold: provide much-needed pro bono services to the community while also giving students real-world practical skills training.

“Clinical education has always been critical to our students, providing real life training and allowing students to serve the community, a core value of our mission,” Dean Jeffrey Brand said. “Today the importance and urgency of clinical education is even more evident. In this persistently difficult and changing economy, students must have the skills to be competitive in a shrinking job market. Our many, many clinics—focused on criminal law, civil law, financial law, international human rights law, and employment law, among others—give students an edge that consistently serves them well in these hard times. In the future you can expect creative clinical opportunities to expand even more.”

At USF, students are not quietly reviewing documents in the background while someone more experienced takes the lead. Instead, students are front and center, meeting directly with clients and advocating for them in whatever ways the case requires. With faculty members to guide and support them, students are given the latitude to handle cases on their own.

Such in-the-trenches experience is invaluable no matter what the economic landscape, but given the realities of the changed legal marketplace, it is even more imperative. With few law firms offering on-the-job training, there is an expectation that young attorneys should be experienced in practical skills and be ready to go from day one. Law schools are responding to this need, including the USF School of Law, which is finalizing a curricular proposal that would further emphasize skills training in the first two years. The clinical program, while not a new focus of the law school, fits right in with this skills emphasis and further enhances the School of Law’s reputation of educating skilled, ethical lawyers who can hit the ground running.

Although the opportunity to build skills is critical, it is not the only reason students clamor for spots in the clinical program. They also want the opportunity to put their legal education to good use and to feel as though they’re making a difference in the community while still in law school.

“I joined the clinic to be in touch with regular folks, people who are working hard to make it through life, but are going through some hard times,” said Jophiel Philips 3L, who worked in the Criminal and Juvenile Justice Law Clinic as a 2L. “The clients who trust me with their lives are helping me—not the other way around—understand what it means to be an advocate. These aren’t hypothetical where the outcome is a grade. This is the difference between freedom and incarceration. That is what the clinic has meant for me. It’s an opportunity for a

student to comprehend the awesome capabilities and duties that are entrusted to you as an advocate.”

For students in the Criminal and Juvenile Justice Law Clinic, that process begins the morning they accompany clinic director and Professor Sharon Meadows to San Francisco’s Hall of Justice to sift through that day’s cases involving indigent defendants. Through a partnership with the San Francisco Public Defender’s Office, Meadows selects cases that will intrigue students as well as ones that have interesting legal aspects. All are misdemeanor cases and often center on allegations such as shoplifting, disturbing the peace, graffiti, and burglaries. Student may have just minutes to look over the allegations, briefly meet the client, and explain the arraignment process.

“It’s definitely kind of a shock at first, being thrown in, but eventually you just get used to it,” said Charles Millioen 3L, who is taking the clinic for a second time.

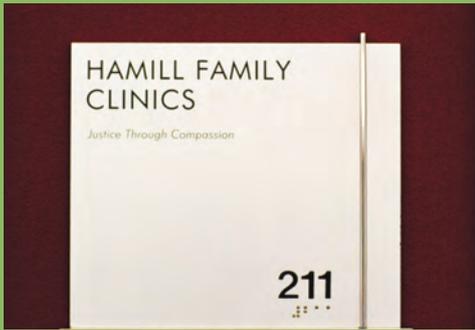
After that, the students assume responsibility for the case. Under Meadows’ guidance, they meet with clients, interview witnesses, and prepare motions, some of which might not be filed due to lack of resources if a public defender were handling the case, Meadows said. Students also strategize on the overall approach to take for the case, argue motions in court, negotiate with district attorneys, and try to work out beneficial deals for their clients, and, if needed, represent their clients during trials. “By the time students get to the end of a semester, they’re very comfortable in the courtroom,” Meadows said.

They’re also confident in their ability to work directly with clients. “When (clients) call the office, they ask for the students. We’re their go-to people,” said Millioen, who is handling a case involving a client arrested as part of truTV’s *Bait Car*, a reality TV show that secretly films people driving off in cars abandoned by undercover police officers.

The case has involved a complicated discovery process, including subpoenaing the production company, which then argued it did not have to turn over its video footage because it is protected by the California Shield Law for journalists. As of the end of February, Millioen’s case was still ongoing and it wasn’t yet clear whether the case would make it to trial or be dismissed as many of the other *Bait Car* cases had been.

Regardless, Millioen—like other clinic students—will devote a significant amount of time to the case. Over winter break, in fact, he spent about 50 hours one week working on the brief for that case.

Clients can at any time decide they don’t want to be represented by the clinic, but as Meadows points out, “I have never had that happen and that tells me the clients feel they’re getting excellent service and also know that they’re helping to train good lawyers who one day may become public defenders. The students can spend a lot of time with our clients. Unlike a public defender, who will have a caseload of 200, our students have a caseload of three or four.”



The USF School of Law’s clinics represent a diverse set of practice areas and typically draw more than double the number of applicants for spaces available.

Child Advocacy Clinic

6 units | Founded: 2005 | Students per semester: 6
 Number of cases handled per semester: About 40 active cases

Students represent abused, neglected, or abandoned children through all aspects of child welfare proceedings. This includes interviewing clients, writing and responding to motions, and court appearances on behalf of clients. The clinic is the only law school in the Bay Area to provide direct representation to children in the child welfare system.

Criminal and Juvenile Justice Law Clinic

6 units | Founded: 1972 | Students per semester: 8
 Number of cases handled per semester: About 30 active cases

The School of Law’s first in-house clinical program, this clinic provides students with the chance to represent indigent defendants in all phases of criminal proceedings, from arraignment through trial and appeal. Students also represent defendants in juvenile court delinquency proceedings.

Employment Law Clinic

4 units | Founded: 2000 | Students per semester: 6
 Number of cases handled per semester: 15–20

Students represent clients in Equal Employment Opportunity Commission mediations involving alleged discrimination, as well as represent clients in wage and hour disputes before the California Labor Commissioner and give presentations to local high school students about their workplace rights. Additionally, the clinic launched a pilot project this semester with the U.S. Merit Systems Protection Board, with students representing federal employees appealing adverse or unfair personnel decisions.

Frank C. Newman International Human Rights Law Clinic

6 units | Founded: 1998 | Students per semester: 8–10 each spring
 Number of cases handled per semester: 1

Students research and prepare reports for United Nations bodies, usually the Commission on the Status of Women (in New York City) and the Human Rights Council (in Geneva), with some students presenting before the bodies. Students also file amicus briefs where international human rights law might be relevant. The clinic currently has one case pending before the Inter-American Commission on Human Rights.

Internet and Intellectual Property Justice Clinic

3 units | Founded: 2000 | Students per semester: 10
 Number of cases handled per semester: 15–20

Students provide legal services on a range of intellectual property issues including copyright and trademark questions, domain name disputes, and counter notifications under the Digital Millennium Copyright Act of 1998. The clinic also is a founding partner in Chilling Effects, a project designed to help the public understand the protections that the First Amendment and intellectual property laws provide for online activities.

Investor Justice Clinic

3 units | Founded: 2002 | Students per semester: 6
 Number of cases handled per semester: 30–35

Students represent investors with limited income in actions involving allegations of wrongdoing by securities firms and/or their employees, appearing in arbitrations and other proceedings before the National Association of Securities Dealers as well as the NYSE Arca (formerly the Pacific Stock Exchange). The clinic is officially recognized by the Financial Industry Regulation Authority and the U.S. Securities and Exchange Commission.

Mediation Clinic

3 units | Founded: 1995 | Students per semester: 6
 Number of cases handled per semester: 10–15

Students apply dispute resolution skills by serving as mediators in cases brought to the San Francisco Small Claims Court. The cases involve most areas of the law with the exception of criminal and family law matters. Students conduct mediations and draft settlement agreements for parties who are able to resolve their disputes.

Predatory Lending Law Clinic

2 units | Founded: 2005 | Students per semester: 8

Offered as a clinical component of the Predatory Lending Law and Practice course, the clinic places students in the California Reinvestment Coalition, several local legal aid offices, Adult Protective Services, the San Francisco District Attorney’s office, as well as local law firms engaged in pro bono predatory lending work.

That low caseload is a benefit in other clinics as well. In Professor Robert Talbot's Investor Justice Clinic, for example, Warren Klein 3L was able to focus exclusively on the case of Linda Soltis, a retired second grade teacher from San Francisco who lost more than \$36,500 invested with JPMorgan Chase.

When Soltis inherited money from her brother, she saw it as her opportunity to finally buy a condo in San Francisco and so she put the money in a low-risk money market fund. A bank representative later referred her to an investment advisor who sold her on what she didn't realize was a high-risk product. Within months, she lost nearly everything. Without a down payment, her dream of buying a condo was gone.

With Klein at the helm, Soltis' case culminated in a Feb. 10 arbitration with the Financial Industry Regulation Authority (FINRA). Klein handled the arbitration almost entirely on his own—he gave the opening statement, examined witnesses, and handled objections from the defense—going head-to-head against an assistant general counsel from JPMorgan Chase who had flown in from the company's Texas office to handle the case.

"Going up against such a seasoned veteran of securities was very daunting at first," Klein said. "But from the first filing and correspondence, I knew that as a student with just one case in front of me, I could prepare far more diligently than the opposition who, in all likelihood, had more than a few cases in front of him. Once the hearing began it became clear that not only was our team prepared and ready to do battle, but also that we caught JPMorgan Chase off guard with our level of preparation."

About two weeks later, FINRA issued its decision, awarding Soltis more than \$40,000—full compensatory damages, interest, filing fees, and attorney fees. It is unusual for cases like this to get full damages, let alone fees on top of everything.

"It feels really good to have such a profound impact," Klein said. "This woman's life goals were almost permanently put on hold and the Investor Justice Clinic team managed to wrestle that opportunity back from a multi-billion dollar corporation and their assistant general counsel."

Students in Talbot's Employment Law Clinic are also tackling complex cases; in this instance, the cases center on employment disputes that involve wages and hours, discrimination, and adverse personnel decisions against federal government employees. As Talbot explains: "They're getting to do things that sometimes lawyers wait until they're 50 before they're allowed to do."

In a new project launched this semester, students are handling two cases before the U.S. Merit Systems Protection Board (MSPB), which oversees federal employees' appeals of adverse or unfair personnel decisions. The board's hearings are essentially mini trials, relying on extensive discovery, witness examination, and the rules of civil procedure, to make decisions

that can have lasting impacts. Despite the complexity, one of the board's administrative judges noticed that half those coming in for hearings were unrepresented. Concerned, she approached Talbot about launching a pilot program.

Erik Christensen 2L and Francesca Constantino 2L are handling one of the MSPB cases, which centers on John Qualls, a former maintenance electrician at a Port Angeles, Wash., power plant owned by the U.S. Department of Energy. Qualls left his job three years shy of retirement age, feeling as though he had no choice but to resign due to a hostile work environment. The Department of Energy maintains that Qualls left willingly; Christensen and Constantino are arguing that Qualls' departure was a constructive discharge. The dispute—to be decided by the MSPB—could mean the difference between Qualls having access to his full pension and retirement health benefits or not.

Without the clinic's help, Qualls would be left trying to handle the case on his own. "He has a valid claim, but he's just an average guy and not savvy when it comes to representing yourself," Christensen said. The case has already involved multiple interviews, 49 requests for admission, 19 interrogatories, and an additional 18 requests for documents. It has also survived a motion to dismiss.

Clinic students also represent clients in Equal Employment Opportunity Commission mediations involving alleged discrimination. In preparation for the confidential mediations, students investigate claims, gather evidence, write mediation briefs, and then advocate on behalf of their clients in the mediations. In addition, clinic students handle wage and hour disputes before the California Labor Commissioner and make presentations to local high school students about their workplace rights.

Regardless of the type of case, one thing remains the same—the students assigned to the case take ownership of it. "You really are in the driver's seat," said Leslie Fales 2L, who has worked on both EEOC and wages and hours cases. "You're cross examining witnesses, you're talking with the hearing officer. It's exactly what you learn in your practical classes, but it's real life."

That "real life" aspect is not lost on students—they understand that a clinic's benefits extend far beyond the opportunity to apply practical skills. They also know it provides the opportunity to see first-hand the impact the legal profession can have.

"These are real people," Christensen said. "They are not a fact pattern on an exam. You start seeing the human side of the law process."

Elizabeth Aleman 2L sees that every day as a student in Assistant Professor Patricia Fitzsimmons' Child Advocacy Clinic, the only law school clinic in the Bay Area providing direct representation to minors in juvenile dependency proceedings. The clients are minors whose families have come to the attention of San Francisco's Human Services Agency because of allegations of abuse or neglect. Aleman currently has three cases she's handling—an infant, an elementary-aged child, and a teenager.

Bridging the Gap

As the legal employment sector continues to feel the shockwaves from the economic recession, the USF School of Law has responded with new initiatives and expanded programs to help students successfully transition from law school to full-time employment. These programs are designed to ensure that students graduate with the skills, knowledge, and ethical foundation necessary to succeed in a changing legal employment market.

Mentor Program The law school is launching a new mentor program connecting students with alumni who can provide advice and support throughout their law school experience and early in their legal careers. The current focus is on building the pool of alumni mentors, and the program will be rolled out widely to students in the fall. For information, including how to register as a mentor, go to www.usfca.edu/law/alumni/mentor.

Transitional Employment Program This program, which has doubled in size in the last year, funds short-term, transitional jobs for recent graduates to work at government agencies and public interest organizations, or with law faculty needing research assistants. Funded in part by the Langendorf Foundation, this year the program will provide approximately 30 positions for recent graduates. The program gives new alumni practical experience and the opportunity to connect and network at outside organizations where there is potential of securing a full-time position. "It's incredibly beneficial for the organizations and it is compelling work for the graduates," said Erin Dolly, assistant dean for student affairs.

Loan Repayment Assistance Program (LRAP) Since its inception nearly 20 years ago, LRAP has provided more than \$1 million to graduates working in the nonprofit or public sectors. Recipients work for public defender's offices, legal aid organizations, and other government agencies and nonprofit organizations. With the average student debt now topping \$100,000, this funding helps to defray their loans and broaden their career choices.

In addition, the law school is providing students with an increasingly wide array of other opportunities to gain the hands-on, practical experience employers look for in new lawyers. These include externships, fellowships, and clinical placements. A revised required curriculum with greater emphasis on skills training is also being finalized.

Though all present differing sets of circumstances, each can be emotionally challenging, something Aleman tries to take in stride by focusing on the impact she is having.

"I'm able to put that heartbreak aside because I'm actually doing something about it," Aleman said. "It's not like I'm just reading an article about a kid's sad life, I'm actually doing something about it."

As it does for most students in the clinic, Aleman's "doing something" involves far more than making court appearances. The clinic takes a comprehensive approach to advocacy, encompassing everything from visiting with the children at home or school to meeting with social workers and foster parents to ensuring the children are getting the extracurricular activities they are entitled to. Students also interview clients, conduct investigations, and write and respond to motions. "I'm learning dependency law better than I ever would in a classroom," Aleman said.

Through the work of the clinic, clients—ranging in age from newborn to 18—have been placed in nurturing adoptive homes or taken out of dangerous living conditions and placed in appropriate long-term care facilities. Others have been emancipated or reunited with their birth families. Through the clinic, Fitzsimmons said, students not only work on oral advocacy, negotiation, and mediation skills, they also learn how to effectively advocate for what will benefit the children the most, both now and in the future, and in the context of all the factors in their lives.

"When the case is out of the system, the family is still going to be there," Fitzsimmons said.

While Aleman plans to pursue a career in child advocacy, not everyone who participates in a clinic plans to specialize in that area of the law. Even so, they still gain invaluable experience. Take Jessica Romeo 3L, who will be working in civil litigation defense after graduation but who is taking the Criminal and Juvenile Justice Law Clinic.

"I have to say I feel much more comfortable, competent, and confident going into the workforce now than I did before," Romeo said. "I can go into a courtroom and know what's going on and I can talk with a judge and I can talk with a client."

That sense of confidence is echoed time and again by students, regardless of the clinic they participate in. Millioen, also in the criminal law clinic, calls his experience "phenomenal." It's not unusual to hear students refer to their clinical time as the defining moment of their law school careers, but that's not simply because of the extensive hands-on experience they gain and the edge they'll have in the job market. It is also because they feel they have truly served the community.

"I came to USF because I thought that it would teach me to make a difference in others' lives after law school," said Carmen Franklin 3L, who works part-time in the Child Advocacy Clinic. "I didn't know that I would have the opportunity during law school." [USF]