



Spring 2009

## Clinical Perspectives: Spring 2009

The Jacob Burns Community Legal Clinics  
*George Washington University*

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### Recommended Citation

The Jacob Burns Community Legal Clinics, "Clinical Perspectives: Spring 2009" (2009). *Clinical Perspectives*. 2.

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[ VIEWPOINT ]

# NOTES FROM THE CLINICAL DEAN

During the past few months, I have heard it repeated many times that the transfer of power in Washington has ushered us into a new era defined by hope, optimism, and positive change. Largely by a coincidence of timing but in keeping with the tone of these times, the Jacob Burns Community Legal Clinics begins a new chapter in its own history.

**W**e want you to be a part of this new chapter, and in that spirit, we have created this newsletter, *Clinical Perspectives*, to help share news from our clinics and to spread word of the extraordinary work being done by GW Law's clinical students and faculty on behalf of our clients and our community. We hope you enjoy our first issue.

In the summer of 2007, it was my privilege to follow in the footsteps of former clinical deans Carol Izumi and Eric Sirulnik, and to help build on the sound clinical foundation that they and their colleagues had created. I joined the GW Law faculty as the Jacob Burns Foundation Professor of Clinical Law and associate dean for clinical affairs, a position that would not exist



ASSOCIATE DEAN FOR CLINICAL AFFAIRS PHYLLIS GOLDFARB

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★ ★ ★

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[ VIEWPOINT ]

## IMMIGRATION: THE OTHER SIDE OF THE DEBATE

By Professor Alberto Benítez, Director of the Immigration Clinic, and Friedman Fellow Jenelle Williams



PROFESSOR ALBERTO BENÍTEZ

**“T**he majority of identity fraud is committed by illegal aliens,” claims Greg Letique, leader of Help Save Manassas, a local interest group located in Virginia.

In the current immigration debate, individuals and groups with anti-immigration views

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# [ HONORS ]

## PROFESSOR JOAN STRAND HONORED BY LEGAL TIMES



PROFESSOR JOAN STRAND

In May 2008, *Legal Times* commemorated 30 years of publication by naming the “90 Greatest Washington Lawyers of the Last 30 Years.” Professor Joan Strand was included in this exclusive list along with such distinguished honorees as U.S. Supreme Court Associate Justices Ruth Bader Ginsburg and Antonin Scalia. Strand, Director of the Civil and Family Litigation Clinic, was honored as a “champion” in her field, which the *Legal Times* described as individuals who “have upheld their profession’s core values of public duty and client service by building pro bono practices, acting as bar presidents, taking on community

causes, holding public service positions, and fighting to expand liberties and protect civil rights.” The article described these honorees as “Washington lawyers who set an example that other DC lawyers should follow.”

Strand was honored for her three decades of service as a GW clinical professor, providing legal services to low-income Washington residents. She was also recognized for her extensive service to the D.C. legal community through significant leadership positions with the D.C. Bar, including her 1999–2000 term as president. Strand shared the designation of “champion” with honorees including Marian

Wright Edelman, Ralph Nader, and Eleanor Holmes Norton.

Strand considers this prestigious acknowledgement of her contribution to the legal community as a “wonderful, gratifying experience.” In September 2008, GW Law Dean Frederick M. Lawrence hosted a reception at the Law School to recognize Strand and three other GW alumni honorees. Later that evening, Dean Lawrence, Dean Goldfarb, and a number of clinical colleagues accompanied Strand to the black-tie dinner that *Legal Times* hosted at D.C.’s Mellon Auditorium.

Strand, who earned her undergraduate and J.D. degrees from GW, began working at the Law School after a brief stint as a supervisor at D.C. Law Students in Court. She, along with two other supervisors, was responsible for overseeing more than 60 students. Strand participated in D.C. Law Students in Court while attending GW Law and described her clinic experience as the moment when “all of the light bulbs started going off.” Since then, Strand truly has

become a champion of clinical education, exposing GW students to a method of legal education that she values.

“Clinical education allows students to experience so many facets of legal practice that are hard to replicate in a classroom setting,” Strand says. “When students work for clients, they feel the weight of the responsibility that comes with it. This has a great impact on their decisions, as you can’t predict what will happen. Students only have so much control over the courts and their clients.”

When Strand first began teaching in the GW clinics, there were only two clinics under the supervision of three clinicians. She points to the great expansion of the clinical program as the most significant change she has witnessed since she first started teaching. The Jacob Burns Community Legal Clinics are thankful for her continued service to students, the clinical program, and low-income residents of Washington, and we congratulate her on this honor. ★



## ON SCREEN

*A Clinic Runs Through It* premiered in Fall 2007 at GW. The video, depicting the work of the Jacob Burns Community Legal Clinics, the importance of clinical education, and the accomplishments of our clinical programs, has been screened before numerous audiences.

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but for the continuing and inspiring generosity of the Jacob Burns family. This issue brings you exciting news about the creation of a clinical fellowship program in 2008–09, made possible by another gift, this one from our our esteemed benefactor Philip Friedman, Esq.

As these pages reveal, the Jacob Burns Community Legal Clinics are expanding in a variety of ways. In February 2008, the faculty voted to raise the credit allocations for all of GW’s in-house clinics. In August 2008, we held our first day-long, cross-clinic orientation on lawyering and clinical methods, jump-starting the semester for clinical faculty, staff, and students alike. Yet despite all of this programmatic development, the clinics have continued the tried and true methods for advancing their deeply rewarding primary ventures: teaching students and serving clients.

Our applications are up, our clinics are full, and waiting lists

are longer than ever. More students and more credits mean more experiential legal education, a pedagogy to which we are all committed. We are enriched and delighted to be involved in such a vital way in the intellectual and professional development of our talented law students who are learning about law, lawyering, the legal system, the world, and themselves as they provide invaluable legal assistance to clients. In a nutshell, this describes the fundamental mission of clinical legal education and of the Jacob Burns Community Legal Clinics.

We welcome your feedback and ideas as we approach our decades-old mission with a renewed vigor befitting the challenges and excitement of this new era. ★

Phyllis Goldfarb  
Jacob Burns Foundation Professor  
of Clinical Law and Associate Dean  
for Clinical Affairs



DEAN PHYLLIS GOLDFARB LOOKS ON AS GW PRESIDENT STEVEN KNAPP WELCOMES GUESTS TO A “GW IN THE COMMUNITY” PRESENTATION FEATURING THE CLINICS.

# { WHAT’S NEW }

## THE FRIEDMAN FELLOWSHIPS



FRIEDMAN FELLOWS (FROM LEFT TO RIGHT) AMANDA SPRATLEY, JENELLE WILLIAMS, ANASTASIA BOUTSIS, KELLY KNEPPER, AND JULIANA RUSSO.

Due to the generosity of Philip Friedman, Esq., the Law School has launched a two-year postgraduate clinical fellowship program. The five inaugural Fellows participated in experiential educational opportunities during their law school careers. Anastasia Boutsis joined the Consumer Mediation Clinic; Kelly Knepper joined the Federal Criminal, and Appellate Clinic; Juliana Russo joined the Outside Placement Program; Amanda Spratley joined the Small Business and Community Economic Development Clinic; and Jenelle Williams joined the Immigration Clinic. Each Fellow co-teaches and co-supervises clinic students with the assistance of an experienced clinical faculty member. The Fellows are pursuing LL.M. degrees, and are enrolled in the course Clinical Teaching, Supervision, and Scholarship, created and taught by Dean Phyllis Goldfarb.

The new fellowship program expands the Clinics’ teaching and supervision capacity, provides professional opportunities for high-achieving clinical alumni from GW Law and other law schools, and creates a more collaborative structure in each clinic. Two additional Fellows will be selected for 2009–2011, with many highly qualified applicants expressing interest in the positions. Dean Goldfarb hopes to develop the program so that every clinic will ultimately have the benefit of a Fellow. ★

*continued from page 1*

repeat the same broad, unsubstantiated arguments: Undocumented immigrants (the correct terminology is “undocumented alien,” but for stylistic purposes, we use the former) are criminals. Undocumented immigrants live in overcrowded houses and their children overcrowd schools. Undocumented immigrants do not speak English and make no attempt to assimilate into American culture. These generalizations are usually unsupported and not rooted in personal experience. Immigration antagonists point to undocumented immigrants as the source of all of society’s ills and suggest that the solution to all of our problems is deportation. This solution is shortsighted and will do no more than exacerbate current struggles, destroy diversity, and foster a culture of intolerance.

Recently, some anti-immigration community leaders in the metro D.C. area have formed anti-immigration groups such as Help Save Manassas, Help Save Maryland, and Defend D.C. The leaders of these interest groups

play a dangerous role in the immigration discussion as they lecture eager audiences, yet are not accountable for the veracity or the impact of their statements.

In an interview last spring, Letique spoke at length regarding problems in the community he attributed to the presence of undocumented immigrants. Letique offered little concrete evidence for his beliefs and made unfounded assertions that the United States spends \$35 million a year on educating undocumented immigrant children and that undocumented immigrants make up 25 percent of federal prisoners. When pressed for the source of these statistics, he referred only to “a local analyst.” These pieces of information were likely to have passed among members of his organization and, if heard by an uncritical ear, proved to be quite persuasive.

Paul Chamberlain, city councilman for Taneytown, Maryland, was also interviewed last spring regarding his position on illegal immigrants. Chamberlain recounted a story about a local entrepreneur who attended a town meeting and complained of being put out of business because his competition was hiring undocumented immigrants and producing at lower cost, forcing him out of the industry. It sounds like a sad story, but when questioned about the name, origin, and nature of this business, it proves to be nothing more than that—a story. Chamberlain’s comments suffer the same shortcomings as Letique’s, i.e., a failure to articulate critical, substantiated fact, which is a problem considering that Chamberlain points to this story as the driving force behind his anti-immigration stance.

The issue with the immigrant tall tales created and passed on by these interest groups is threefold. First, group leaders do not

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**“IMMIGRATION ANTAGONISTS POINT TO UNDOCUMENTED IMMIGRANTS AS THE SOURCE OF ALL OF SOCIETY’S ILLS AND SUGGEST THAT THE SOLUTION TO ALL OF OUR PROBLEMS IS DEPORTATION. THIS SOLUTION IS SHORTSIGHTED AND WILL DO NO MORE THAN EXACERBATE CURRENT STRUGGLES, DESTROY DIVERSITY, AND FOSTER A CULTURE OF INTOLERANCE.”**

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entertain the possibility that there are other, more immediate causes of the problems facing their communities. During their meetings, they barely acknowledge that overcrowding in schools could be the product of budget cuts or that overcrowding in houses in the community could be the result of the unstable housing market. Do they know the state of our current economy? Instead, they identify visible changes in the community and immediately point to immigrants.

Second, they propose no other solutions to these problems other than deportation. They do not encourage individuals to lobby for enforcement of zoning regulations or to lobby for an increased school budget. Isn’t that what zoning regulations and school boards are for? Rather, they promote calling the police and filing reports in a witch-hunt type fashion any time they believe they see an illegal immigrant.

Finally, these anti-immigrant groups rarely acknowledge the benefits of having a diverse society composed of individuals from many different cultures. They decline to concede that their children benefit from hearing and learning to speak other languages at an early age. They seem to have forgotten this

country was built and created by immigrants from all different points of origin. Doesn’t the Statue of Liberty invite the tired, poor, and huddled masses? By mistreating undocumented and documented immigrants, anti-immigration groups are denying their own heritage and perpetuating a dangerous cycle of prejudice.

The peril of such unfounded statements being made by these community leaders is that they are being heard and accepted by members of the community. Undocumented immigrants are being made the scapegoats in many municipalities where, in reality, problems run much deeper. If these leaders are given free reign to recount falsities regarding immigrants, we run the risk of isolating immigrants and fueling the current conflict. Though these leaders believe they are helping the community and ridding them of problems, the message being delivered is illogical and one-sided. When in the history of the world has isolating one group of people and blaming them for everything actually produced positive change? In order to achieve the result these groups are looking for, leaders need to stop lecturing and listen to the other side of the debate. ★



#### CLINICAL PERSPECTIVES

*Clinical Perspectives* is published by the Jacob Burns Community Legal Clinics at The George Washington University Law School.

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## SELECTED PRESENTATIONS

- In January 2008, Professor Arturo Carrillo presented “Mass Claim Type Procedures in International Law and Practice” at the panel on “New Voices in Human Rights” held by the AALS Section on International Human Rights Law at the AALS Annual Meeting in New York. In August, Carrillo was the keynote speaker at an event organized by the Universidad del Rosario, Bogota, Colombia, to address constitutional avenues for the protection of collective rights. He spoke on “The Use of Class Actions for Human Rights Cases in U.S. Law and Practice: The Case Against Chiquita Banana International.” In November, Carrillo presented in Spanish “Litigating Human Rights Cases in U.S. Courts: Clinical Legal Education and the Alien Tort Statute” at the International Seminar of the Latin American Network of Public Interest and Human Rights Legal Clinics. The seminar was sponsored by the Human Rights Program of the Universidad Iberoamericana in Mexico City.
- In September 2007, Dean Phyllis Goldfarb spoke on narrative strategies for death penalty appeals at a federal habeas corpus training conference held at Cornell Law School. In May 2008, Goldfarb presented “Leading a Clinic in Academia” at the AALS Conference on Clinical Legal Education in Tucson, Arizona. In June, Goldfarb presented “How We Teach” at the AALS Workshop for New Clinical Law Teachers in Washington. In November, she presented “American Ways of Death” at the symposium “Defining Race” at Albany Law School.
- In September, Professor Jeffrey Gutman addressed a visiting delegation of Chinese attorneys who had traveled to the United States to learn about the history and practice of public interest law.
- In November 2008, Professor Carol Izumi discussed anti-racism work at the conference of the Federation of Asian Canadian Lawyers held at the University of Toronto Faculty of Law in Ontario, Canada.
- In October 2007, Professor Suzanne Jackson presented “Medicare Drug Utilization Management: Balancing Cost, Convenience, and Access” at the National Health Policy Forum.



Professor Suzanne Jackson counsels a D.C. resident.

## { WHAT'S NEW }

### NEW MANAGING ATTORNEY



LISA GUFFEY

Last year, the Law School created a managing attorney position for the Clinics and hired Lisa Guffey, Esq., formerly of the D.C. Public Defender Service, as its first managing attorney. Having arrived for the spring semester of 2008, Guffey is hard at work enhancing the administrative functioning of the clinical program. ★

- In December, Professor Susan Jones presented a workshop titled “New Initiatives & Innovations in the Global Economic Justice Movement” at the 5th Worldwide Global Alliance for Justice Education Conference in Manila, Philippines. In November, Jones gave a lecture entitled, “An Economic Justice Imperative,” at Bard College at Simon’s Rock, Great Barrington, Massachusetts. In October, Jones presented, “The Role of Community Economic Development Clinics in Promoting Social Justice—A Critical Reflection” at the Clinical Faculty Workshop, Vanderbilt Law School. In February, Jones moderated “Community Economic Development 101” at the ABA Forum on Affordable Housing and Community Development Law Regional Conference. Held in New Orleans, the conference was entitled “Lessons from Katrina and Rita.”
- In January 2008, Professor Joan Meier addressed “Challenges of Courts” at the Domestic Violence Consultant Initiative of the Connecticut Department of Children and Families in Hartford, Connecticut. In February 2008, Meier presented “Models of Domestic Violence” for the panel “Laying the Foundation for Theoretical Development in Elder Mistreatment” at a workshop sponsored by the National Institutes of Justice in Washington. Also in February 2008, Meier spoke on “Evidence in Domestic Violence Litigation” in the Continuing Legal Education Teleconference Series of the ABA Commission on Domestic Violence. In October 2008, she presented “Partnering to Prevent Domestic Abuse” on a panel sponsored by the World Bank, International Monetary Fund, and the Inter-American Development Bank in Washington. In November 2008, she presented “Vicarious Traumatization: What It Is and What Can Be Done About It” at an event hosted by the Children’s Law Center in Washington. ★

## CIVIL AND FAMILY LITIGATION CLINIC

The Civil and Family Litigation Clinic primarily handles family law cases, specifically divorce, custody, and child support for clients meeting minimum poverty guidelines. Occasionally, Small Claims Court cases are taken as well. Clinic students have assisted parents, grandparents, and non-parents in securing custody of minor children, helped elderly clients obtain divorces, obtained child support awards for custodial parents, and acted as guardians *ad litem* for children in contested custody disputes.

Amber Johns (J.D. '09) says: "I was drawn to the Civil and Family Litigation Clinic because of the opportunity it provides to serve low-income families while learning to navigate the local court system. Under the supervision of one of the many talented and enthusiastic professors overseeing the clinics, I enjoyed the chance to represent a local grandmother seeking custody of her three grandchildren. My co-counsel and I learned about drafting the necessary documents and completing the appropriate paperwork in support of our

client's case, and we encountered a sampling of the broad range of non-legal issues faced by attorneys serving low-income clients, from transportation problems that delay meetings to clients' unexpected personal expenses that delay payment of filing fees. I greatly appreciate both the practical and personal benefits of representing real-world clients, and I know that the clinical experience has played a significant role in developing my legal skills while confirming my desire to continue working for underserved communities."

Among the clinic's many success stories: In January, 3L students Vanessa Batters and Diana Krevor performed a full, two-day trial, conducted the opening, closing, direct examinations, and cross examinations of all witnesses, and won a favorable judgment in a factually complex divorce case involving alimony and division of marital property. The case, pending for more than a year and a half, resulted in a long-awaited victory for the clinic's client when the judge found that the students' cross-examination of the opposing party effectively impeached his testimony.

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**"I WAS DRAWN TO THE CIVIL AND FAMILY LITIGATION CLINIC BECAUSE OF THE OPPORTUNITY IT PROVIDES TO SERVE LOW-INCOME FAMILIES WHILE LEARNING TO NAVIGATE THE LOCAL COURT SYSTEM. ... I KNOW THAT THE CLINICAL EXPERIENCE HAS PLAYED A SIGNIFICANT ROLE IN DEVELOPING MY LEGAL SKILLS WHILE CONFIRMING MY DESIRE TO CONTINUE WORKING FOR UNDERSERVED COMMUNITIES."**

AMBER JOHNS, J.D. '09

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## CONSUMER MEDIATION CLINIC

Consumers from D.C., Maryland, and Virginia contact the Consumer Mediation Clinic's "hotline" for assistance resolving disputes with businesses. Second- and third-year students act as neutral mediators who help consumers and businesses reach mutually agreeable settlements. Case types include a variety of consumer transactions, such as credit billing and reporting, defective goods, debt collection, automobile disputes, home improvement contracts, mail orders, and disputes involving other consumer products and services.

In the fall of 2008, NBC-4 featured the Clinic in a televised news story. After this profile aired, student mediators fielded 205 requests from metro D.C. residents, an increase of 91 calls from the previous semester.

Students mediate a diverse array of consumer matters, including used car sales, billing disputes, home improvement contracts, warranty issues, travel packages, and dry cleaning disputes. Successful resolutions

included waiver of account balance by a home security company, fulfillment of a car dealership's promotional offer, return of architectural plans from a design firm, exchange and delivery of furniture, completion of repairs by a home improvement contractor, extended warranty coverage from a car dealership, furnace repairs by a heating contractor, and credit report assistance from a credit repair company.

## COMMUNITY DISPUTE RESOLUTION CENTER PROJECT

Now in its eighth year of operation, the Community Dispute Resolution Center Project (CDRC) works jointly with the U.S. Attorney's Office for the District of Columbia (USAO) and the Office of the Attorney General for the District of Columbia (OAG). In this unique program, CDRC students co-mediate adult misdemeanor cases referred by the USAO's Community Misdemeanor Mediation Service and juvenile delinquency cases within the



PROFESSOR CAROL IZUMI AND CONSUMER MEDIATION CLINIC STUDENTS WITH REPORTER LIZ CRENSHAW OF NBC-4.



PROFESSOR JOAN MEIER MEETS WITH A CLINIC STUDENT.

jurisdiction of the OAG's Youth Mediation Program.

The CDRC caseload includes assaults, property destruction, unauthorized use of vehicles, threats, unlawful entry, theft, and school-related and workplace matters. Examples of criminal and juvenile cases mediated through CDRC include an assault between bar patrons, a road rage incident, and a fight between high school seniors at a basketball tournament.

### THE DOMESTIC VIOLENCE PROJECT

Domestic Violence Project (DVP) students work as domestic violence lawyers with public interest and pro bono lawyers in the field through placements in local and national legal organizations. Clinic students interview clients and witnesses, work on national policy development and federal legislation, and assist appeals in constitutional, criminal, and family law cases.

Evann O'Donnell (J.D. '09) says: "I have always been interested in women's issues, so I was drawn to Professor Meier's Domestic Violence Project immediately. I wanted to learn more about the nonprofit sector

and the work to be done addressing domestic violence head on. I also appreciated that we could tailor our clinical experience to fit our individual interests by choosing which domestic violence organization to intern with during the semester. I chose to work at Women Empowered Against Violence (WEAVE). I assisted attorneys with several cases by researching case law, drafting court documents, preparing document requests, and doing intake. I was also able to attend hearings with WEAVE attorneys to watch the cases I worked on unfold. The benefits of the clinical experience are immense. I gained both real-world experience and the confidence of knowing that I am prepared to enter the workforce. I am more marketable, and I have learned more about what I want out of a future job."

Last spring, DVP students Chris Curry (J.D. '09) and Stephanie Lepore (J.D. '09) assisted in the preparation of GW Law's Domestic Violence Legal Empowerment and Appeals Project's amicus brief in the United States Supreme Court case of *Giles v. California*. The brief had a visible impact on the Court's opinion.

## { WHAT'S NEW }

### PARALEGAL INTERNSHIP PROGRAM AND STUDENT ADVISORY COMMITTEE



PARALEGAL INTERNS SABRINA FILOMENA AND ANDREW TONEY.

Last summer, the Jacob Burns Community Legal Clinics piloted a graduate-level paralegal internship program in co-operation with the Paralegal Studies Program of GW's College of Professional Studies. Three paralegal interns, supervised by Lisa Guffey, spent the summer providing paralegal support to the work of our clinics while completing their paralegal training. The cross-campus collaboration was a big success and has been continued throughout the school year.

In the 2008–2009 academic year, the Clinics established a Student Advisory Committee. Composed of a student representative from each of the clinical programs, the Committee meets regularly under the direction of Managing Attorney Lisa Guffey, Student Director Maureen McGough, and Friedman Fellow Kelly Knepper, who serves as faculty liaison to the student committee. The members discuss clinic-wide issues, propose improvements, and relay information about their individual clinics. The Student Advisory Committee was involved in streamlining the clinical registration process for Fall 2009 and, facilitated by the devoted work of McGough and Knepper, has had significant involvement in the creation of this newsletter. We look forward to the continued participation and input of our dedicated clinical students in the governance of the Jacob Burns Community Legal Clinics. ★

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## DOMESTIC VIOLENCE LEGAL EMPOWERMENT AND APPEALS PROJECT (DVLEAP)

DVLEAP's mission is to advance legal protections for domestic violence victims and their children through appellate advocacy; efforts to overturn unjust trial court decisions; domestic violence-related litigation to the Supreme Court; and best practices training of lawyers, psychologists, and judges. Students in DVP may work with DVLEAP on its appeals and projects.

In December 2007 at GW Law, DVLEAP hosted the first Biennial Symposium on Domestic Violence Law and Policy on the topic of "Custody and Abuse Litigation and the Supreme Court." Supreme Court litigators and domestic violence advocates gathered to develop strategies to obtain Supreme Court review of constitutional violations in family courts. Dean Phyllis Goldfarb and Professors John Duffy, Catherine Ross, Joan Meier, and DVP student Chris Curry (J.D. '09) participated in the presentations. As a result of the Symposium, the project is now working to distribute a set of "Best Practices" for family court lawyers.

Assisted by many DVP students, DVLEAP has had a string of recent successes in the D.C. Court of Appeals, including a case recognizing the correlation between domestic violence and child abuse and establishing children's safety as the first priority in custody and visitation adjudications.

## FEDERAL, CRIMINAL, AND APPELLATE CLINIC

Students in the Federal, Criminal, and Appellate Clinic (FAC) represent clients in serious

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**"I WAS INITIALLY INTERESTED IN FAC BECAUSE I WANTED TO PRACTICE APPELLATE ADVOCACY. I HAVE FOUND FAC TO EXCEED MY EXPECTATIONS BY PRESENTING CHALLENGES AND UNIQUE OPPORTUNITIES ON BOTH AN INTELLECTUAL AND PERSONAL LEVEL."**

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CHRISTOPHER BRUNO, J.D. '09

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criminal cases, primarily on direct appeal but occasionally in other types of proceedings, including sentencing and post-conviction challenges. All FAC clients are indigent. Most are in prison and convicted of felonies in Maryland trial courts, where they were represented by appointed counsel.

Christopher Bruno (J.D. '09) says: "I was initially interested in FAC because I wanted to practice appellate advocacy. I have found FAC to exceed my expectations by presenting challenges and unique opportunities on both an intellectual and personal level. The FAC clinic has taught me how to explain the limited, careful dynamic of appellate review to laypeople and has provided me the unique experience of

interaction in a prison environment. At the same time, I have learned the art of persuasive nuance essential to successful brief-writing and oral advocacy. I am tasked with deciding what issues to raise, as well as with researching and writing arguments in defense of two defendants."

FAC's students and clients have many success stories. Third-year students Christina Davis and Matthew Yoeli argued opposing sides before a distinguished panel of judges including U.S. Supreme Court Associate Justice Antonin Scalia as finalists in the 59th Annual Jacob Burns Van Vleck Moot Court Competition. Following the extensive brief writing process learned in the clinic's first semester, both students chose to re-write their

briefs for the final round of competition. The judges awarded Davis the honor of best brief.

FAC alumnus Jeffery Chiow (J.D. '08) argued a winning case in the Maryland Court of Special Appeals last April. The court reversed the defendant's convictions for narcotics and paraphernalia possession, finding that the prosecutor had improperly threatened a defense witness, causing her to flee the courthouse. Chiow, who is a first year associate at Venable, currently represents his clinic client pro bono on remand in the trial court.

The Maryland Special Court of Appeals granted the appeal of FAC alumnus Taro Konoshima (J.D. '08) in a first degree assault case on the grounds that the trial court had erroneously admitted evidence of a prior assault charge against the defendant. The court reversed and remanded for a new trial. Konoshima received the Richard C. Lewis, Jr. Memorial Award for outstanding performance, unusual compassion and humanity toward clients and colleagues, and extraordinary dedication to his work in the Jacob Burns Community Legal Clinics.

During Commencement 2008, FAC alumna Bridget Crawford (J.D. '08) received the 2008 Michael Dillon Colley Memorial Award, an award voted on by the graduating class, given to the individual who has been most successful in maintaining her compassion, vitality, and humanity during law school.

FAC 3L student Adam Pearlman won the Vermont Law School International Law Writing Competition with his paper "Digging for Truth, Justice, or the Humanitarian Way: Priorities in Post-Genocide Transitional Justice and Exhumations of Mass Graves." The Law School nominated Adam's paper for the prestigious national Burton Award for distinguished and effective legal writing.



PROFESSOR ANNE OLESEN CELEBRATES A COURTROOM VICTORY WITH STUDENTS.



PROFESSOR ARTURO CARRILLO WITH IHRC STUDENTS IN PERU.

This year, FAC students will argue the clinic's nine appeals before the Maryland Special Court of Appeals during the February–May session. Some of the issues being argued include whether the Maryland Pattern Jury Instruction on accomplice liability is inconsistent with the applicable standard of proof as developed by case law; whether the defense counsel's inaction, by repeatedly failing to object to damaging hearsay, constituted ineffective assistance of counsel; whether a conviction must be reversed when the trial court admitted a prior conviction for attempted murder in a murder case; and whether DNA must be excluded when the prosecution does not follow the statutory guidelines for admission.

### HEALTH RIGHTS LAW CLINIC

Students in the Health Rights Law Clinic work as counselors in the District of Columbia's Health Insurance Counseling Project (SHIP). SHIP programs help people with Medicare navigate an increasingly complex health care system and serve thousands of people each year. Students interview clients, investigate the facts, research the applicable law, and develop case theories.

Amber Rivers (J.D. '09) says: "I came into the clinic with a prior

interest in health care law, but my clinic experience has deepened both my knowledge and interest in health insurance law. During weekly class meetings, Professor Suzanne Jackson does a wonderful job imparting her knowledge on current health law issues and practices. Students are the primary point of contact for the people who need assistance and are independently responsible for resolving the issues that arise. This hands-on approach is a rewarding way to acquire real life lawyering experience. I also value the intimate instruction from actual practitioners and the endless opportunities for client interactions. The Health Rights Clinic has been a great experience and transcends any traditional course I could have taken on the same legal material."

### IMMIGRATION CLINIC

Students in the Immigration Clinic provide legal representation to aliens, specifically in obtaining affirmative benefits, or by interposing defensive strategies to prevent removal. While there is a critical shortage of immigration lawyers, the shortage is even worse for aliens who are already in removal proceedings. The Immigration Clinic seeks to fill this void by representing clients who would otherwise be without assistance.

Among the clinic's recent success stories, 3L Carolina A. Collado won lawful permanent resident status for her Salvadoran client through the Nicaraguan Adjustment and Central American Relief Act.

Tamatane Aga (J.D. '09) won cancellation of removal for her 63-year-old Guatemalan client, who is the grandmother of U.S. citizens, before Immigration Judge Thomas G. Snow. The Immigration and Customs Enforcement trial attorney, after hearing the evidence presented by Aga, felt the burden had been satisfied and did not oppose the grant.

Erik Eisenmann (J.D. '07), Rebekah Nahas (J.D. '07), Jennifer Raquel Khouri (J.D. '08), and Karlie Dunsky (J.D. '08) prepared, filed, and monitored their Dominican client's I-751 waiver to become a lawful permanent resident, even though her marriage to a U.S. citizen had ended in divorce. The client had originally been granted conditional lawful permanent residence status through marriage to a citizen. The students were able to show that the marriage ended due to the husband's battering, which qualified the client for the I-751 waiver. Eisenmann convinced Professor Alberto Benítez that the client had a colorable

claim, and Nahas completed Eisenmann's research to file the petition.

### INTERNATIONAL HUMAN RIGHTS CLINIC

Students in the International Human Rights Clinic (IHRC) partner with experienced attorneys at organizations engaged in domestic and international litigation to provide pro bono legal services to victims of human rights abuses. Students work on cases addressing a wide range of contemporary issues in human rights, either in U.S. courts or before international tribunals. It is the only human rights clinic in the country dedicated primarily to litigating human rights cases before U.S. and international tribunals.

The clinic and its students have enjoyed many successes in the past year. Last spring, Jordan Nodel (J.D. '08), Adrienne Hillery (J.D. '08), Sarah Hwang (J.D. '08), and Erin Culbertson (J.D. '08) in partnership with an NGO, Jamaicans for Justice, prepared and filed a report on the unlawful use of lethal force by Jamaican police. The clinic hosted a delegation from Jamaica who attended a hearing on deadly police violence at the Inter-American Commission on

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MARLENA CRIPPIN, J.D. '09

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Human Rights, in a case litigated jointly by the clinic and Jamaicans for Justice.

Marlena Crippen (J.D. '09), Elizabeth Gudis (J.D. '08), and Sara Greenberg (J.D. '08) worked in a transnational partnership with the Pontificia Universidad Catolica in Lima, Peru, to file amicus briefs in the trial of former President Alberto Fujimori, charged with human rights abuses. A group of students traveled to Peru in March 2007, where they observed the Fujimori trial, interviewed formerly imprisoned victims of the Fujimori regime, and met with local human rights activists, experts, and partners. Heather Carney (J.D. '06), David Rondon (J.D. '06), and Magin Puig (J.D. '06) had previously filed an amicus brief with the Supreme Court of Chile urging Fujimori's extradition to Peru.

Marlena Crippen says: "I have found the IHRC to be one of the most rewarding courses I have taken at the Law School. During my first semester in the clinic, I worked on an amicus brief to be submitted to the Peruvian Supreme Court in the case of Alberto Fujimori. Throughout the semester, I researched international law and met with my team of student-lawyers and

Professor Arturo Carrillo to discuss the case and our strategy. Once the brief was written and translated, we traveled to Peru where we had the tremendous opportunity to meet with the top human rights leaders in the country. We attended the trial and met with the Peruvian Supreme Court judges presiding over the case to discuss our observations as international observers. In my subsequent semesters in the clinic, the work has been just as interesting and exciting. It is an experience I would highly recommend to anyone with an interest in international human rights law."

### PUBLIC JUSTICE ADVOCACY CLINIC

The Public Justice Advocacy Clinic represents individuals in litigation and administrative hearings, including national security clearance cases, wage and hour cases, and unemployment compensation cases. The clinic generally represents low-income residents of D.C. who seek relief against governmental agencies and private employers and also engages in lobbying and other forms of administrative advocacy.

Caitlin Bergo (J.D. '09) says: "I enrolled in the Public Justice Advocacy Clinic in order to obtain real legal experience while assisting low-income clients in the D.C. community. I am interested in employment law in a legal aid context, and the clinic has allowed me to put the legal knowledge derived from my first two years of law school to use. Students in the clinic are able to work on a variety of cases from discrimination class actions to wage and hour claims and unemployment appeals. Professor Jeff Gutman provides guidance and inspiration while allowing us to manage our own caseloads. With the clinic, I have been able to work with a partner in representing a client in an unemployment insurance appeal and also to assist three Spanish-speaking clients in an unpaid wage and overtime claim. Overall, the clinic has been a great experience, and has allowed me to expand my skills and knowledge of legal aid work."

Eric Jesse (J.D. '09) and Ryan Mick (J.D. '09) won an unemployment compensation case before an administrative law judge. The employer fired the client for alleged gross misconduct in connection with accounting documents. The judge determined that the client was entitled to unemployment compensation because she had credibly testified and the employer had failed to produce sufficient documentary proof of misconduct.

With the assistance of Maryland attorney James Rubin, 3L students Danielle Weiner and Caitlin Bergo filed three lawsuits on behalf of plaintiffs against a construction firm for failing to pay employees for overtime and hours worked.

Terri Cunningham (J.D. '09) and Andrew Croner (J.D. '09) represented a client whose D.C. disability compensation benefits

were terminated. After reading the students' brief, the government reinstated the client's benefits before the evidentiary hearing.

Lindsey Frischer (J.D. '09) and Chris DeBono (J.D. '09) assisted attorney Amber Harding of the Washington Legal Clinics for the Homeless in successfully settling their client's claim that her homeless shelter units did not comply with the Americans with Disabilities Act, Fair Housing Act, and Rehabilitation Act.

Last fall, Professor Jeffrey Gutman and several clinic students successfully settled two federal Freedom of Information Act cases in which plaintiffs sought health care-related documents from two federal agencies.

### SMALL BUSINESS AND COMMUNITY ECONOMIC DEVELOPMENT CLINIC

This clinic provides free start-up legal services to Washington D.C. area entrepreneurs, nonprofit groups, and arts organizations, including short-term counseling in a broad range of business matters such as corporations, limited liability, partnerships, contracts, commercial lease review, and basic intellectual property law. The clinic represents new entrepreneurs and nonprofit groups, as well as groups that promote community economic development.

Kya Blackstone (J.D. '09) says: "In the real world, we all have to learn how to work with our colleagues to analyze legal issues and solve problems for our clients. In order to ensure this outcome, I think it is best that we throw away the adversarial behavior nurtured in typical legal education and learn to collaborate. Beyond the opportunity to collaborate, the most rewarding aspects of the clinic are the



PROFESSOR JEFFREY GUTMAN ADVISES STUDENTS IN THE PUBLIC JUSTICE ADVOCACY CLINIC.



PROFESSOR SUSAN R. JONES COACHES STUDENTS INVOLVED WITH THE SMALL BUSINESS AND COMMUNITY ECONOMIC DEVELOPMENT CLINIC.

relationships we build with our clients and the opportunity to be a part of the community's development. It's hard work, but it's worth it."

Last year the clinic provided legal assistance to 22 businesses and nonprofit organizations on corporate, tax, contract, insurance, regulatory, and intellectual property matters, including assistance to an environmental awareness group, an organization working with at-risk youth, and a visionary new nonprofit established to address racial and socioeconomic inequities in school systems.

Last fall, the SBCED Clinic represented a community development consulting firm that is working to revitalize low-income communities through human capital development and job creation. Students drafted articles of organization and an operating agreement for a limited liability company, wrote contracts, researched regulatory requirements, and counseled the client on trademark and copyright law issues.

In November, the clinic co-hosted a professional networking event at the Law School with the GW Law Career Development Office, the ABA Forum on Affordable Housing and Community Development Law, and the Forum's Young Lawyers Division. The event provided a structured setting for

law students, new lawyers, and experienced attorneys in various fields related to affordable housing and community development law to network and learn from one another.

Third-year student Jasmine-Simone Miller says the event was valuable: "It was the first time I attended a networking event completely dedicated to a specific practice area. Having practitioners participating in the event helped me answer a wide range of questions from how to enter this area of law to what are some of the challenges within the practice."

#### VACCINE INJURY CLINIC

Students in the Vaccine Injury Clinic represent the families of young children and adults before the U.S. Court of Federal Claims in trial and appellate proceedings. These clients are seeking compensation for vaccine-related injuries and deaths. The clinic represents petitioners nationwide who are seeking vaccine-injury compensation.

Arsenio Rodriguez (J.D. '09) says: "This clinic provides a glimpse into a type of law many students are completely unaware of. While it's based mainly on health law, it incorporates a great deal of litigation, negotiation, and public policy. As a result, you have a clinic that

requires you to feel and act like a lawyer early in the process. I have negotiated settlements with government attorneys, advised clients, filed exhibits with the government, and interacted with several of the Special Masters in charge of the cases in the U.S. Court of Federal Claims. Professor Peter Meyers does a great job of letting you work through your client's issues, while providing guidance when necessary. I encourage all 2Ls and 3Ls to enroll in a clinic, and if you want an experience that involves a



PROFESSOR PETER MEYERS

unique type of law while working closely with clients, then I highly recommend the Vaccine Injury Clinic." ★

## { KUDOS }

- Professor Jeffrey Gutman served as an advisor to the transition team of the U.S. Department of Justice for the incoming administration of President Barack Obama.
- In March 2008, Professor Carol Izumi received the Community Service Award from the Asian Pacific American Bar Association Education Fund. AEF is a D.C. nonprofit organization that offers public interest fellowships and other professional development programs to law students. Izumi served on the founding board of the AEF 15 years ago.
- In September 2008, Professor Susan Jones received a certificate of appreciation for "unselfish service to the legal community and the District of Columbia Bar" for serving as a member of the Community Economic Development Advisory Committee from 1998 to 2008 and its vice chair from 2002 to 2008.
- In December 2007, Justice for Children, a national organization dedicated to protecting children from abuse in the context of custody litigation, presented Professor Joan Meier with an Outstanding Leadership Award for her litigation, trainings, and presentations related to issues of child custody and abuse.
- Professor Anne Olesen successfully argued the case of *State v. Coates*, 405 Md. 131 (2008), before the Maryland Court of Appeals, the state's highest appellate court. In a published decision, the Court upheld the intermediate court's determination that the trial judge had erred in admitting out-of-court statements made belatedly to a forensic nurse, because the statements were not made for the purpose of medical treatment or medical diagnosis. ★

## OUR STUDENT DIRECTOR



MAUREEN MCGOUGH

Each year, the Clinics appoint a third-year law student as its student director. This director, who is enrolled in a clinical program, works closely with the clinic administration to assist in the organization and management of all the in-house legal clinics. Thanks to the long-standing generosity of the Jacob & Charlotte Lehrman Foundation, the Student Director receives a partial scholarship.

This year's student director is Maureen McGough. She is

participating in the Immigration Clinic and has previously participated in both the International Human Rights Clinic and the Domestic Violence Project. McGough oversees the Clinics' conflict of interest database, trains clinic students in protocol and case management systems, oversees the intake process and case management for the Civil and Family Litigation Clinic, helps to run the Student Advisory Committee, and

assisted in the production of this newsletter.

Our faculty, staff, and students appreciate McGough's extraordinary service as student director. Although she will be a hard act to follow, soon we will be accepting applications for the student director position for the 2009–2010 academic year. We look forward to receiving applications from an impressive array of public-service minded clinical students. ★

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