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Clinic Times

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Clinic Times

FALL 2007

A NEWSLETTER OF THE CLINICS



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Experience Beyond Expectation, By Kelvin Lawrence '07

I chose to participate in the **Urban Communities Clinic** at Michigan Law because I was an aspiring transactional lawyer who wanted real life practice at what I was learning in the classroom. Working with law firms in the summers, I seldom received meaningful participation in “deals” in progress because of their technical sophistication and the difficulty of compartmentalizing the work into discrete projects. Instead, like most summer associates, I did mostly research and drafting work. So, when it came to the UCC, I expected more of the same, but at least I would get to do the same work in an entirely transactional and mostly non-profit context. I hoped to use my budding legal skills to somehow contribute to the greater good of my community, and to prepare myself for pro bono work in the future.

Fortunately for me, my paltry expectations of memo writing and research were shattered, and my experience proved far more valuable. What I got from the **Urban Communities Clinic** was an experience driven by my clients’ needs, and shaped by the careful guidance of my professors. The first shock of my semester came with the amount of direction and control that my clinic partner and I had over representing our clients. Our professor asked pointed questions and provided advice, but it was up to us to create our timelines, to set the agenda, and to determine what to do and how best to go about solving our clients’ problems. I was also surprised by how personal the practice of law could be. We had to work to establish relationships with our clients, to build trust, and to get information from them by asking the right questions. We discovered that representing a client isn’t like taking a law school exam; the facts you need aren’t on the page, and sometimes the client doesn’t know or appreciate the legal significance of

those facts. We learned firsthand that quality representation often requires some legwork and research outside of a library to provide sound legal advice.

My UCC professors connected the classroom to the real world and in-class discussions with others gave us insight as to how we could approach our problems in a different light. Likewise, classes on ethics and professional responsibility became tangible; ethical issues presented themselves in unexpected ways, and were explored and resolved carefully. Through my experience in participating in a clinical program I not only improved my technical competence and served my community, but also gained confidence in my skills as a practitioner. My involvement with the UCC was a pleasant surprise that exceeded my expectations and made my legal education complete.



Detroit, Michigan

Environmental Law Clinic: A Reminder Why You Came to Law School, By Shane Conway '08

My first year of law school I dreaded going to class. The moment I stepped into the dark Hutchins hallway and headed towards the classroom, I felt a sense of imminent doom: the fear that I was on call that day; the anticipated boredom of learning about contingent remainders, vicarious liability, or rule 12(b)(6). Taking the **Environmental Law Clinic** my second year was like a breath of fresh air in my stuffy Hutchins world. Finally, I remembered why I went to law school in the first place.

The clinic, which is run in coordination with the National Wildlife Federation, is held at the NWF office on Liberty Street; a refreshing change from campus. Classes were lively and interesting, and we were able to discuss each others’ cases and projects. We also met individually on our specific cases.

In the **Environmental Law Clinic** I had the opportunity to improve my legal research and writing skills and work on interesting projects. I researched state environmental law and compared it to an inter-state water compact. The analysis I provided will be used to shape regional water policy. I also researched federal environmental laws and analyzed the merits of bringing ground-

breaking litigation. The feedback I got from the clinic professors was invaluable for improving my research skills and my writing style, form, and clarity. It was also exciting to know that the work I did was not just an exercise; it was actually used by NWF to complete their mission of environmental protection.

I have always been interested in environmental law, and it was this interest that led me to law school. But I got bogged down in first year classes and forgot my passion for the subject. After taking the clinic, I regained sight of my future career and I gained



the confidence I need to be a lawyer. I am now convinced that I want to practice environmental law and I believe the **Environmental Law Clinic** gave me the skills to do it.

Medical Legal Collaborative Gives Skills, Opportunities in Jobs & Chance to Help Others, By Amanda Dallo '07

If you're tired of just THINKING like a lawyer, and you want to learn how to BE a lawyer, TAKE A CLINIC! Taking the **Poverty Law Clinic in a Medical Legal Collaborative** was the best educational decision I could have made, in part because the clinic teaches you a set of skills that you can't get anywhere else in law school. I learned how to draft and file pleadings, how to advise clients, and how to respond on my feet to a judge's questions. These skills have been invaluable in themselves, but they also afforded me a number of opportunities outside of law school. For example, when I worked for a law firm my second summer, the attorneys there had no hesitation about letting me interview *pro bono* clients. I know much of their confidence came from the fact that I had been responsible for so much client interaction in my clinic work, and they trusted that I would have the skills necessary to deal with sensitive, confidential issues.

The **Poverty Law Collaborative** is particularly interesting because of the sheer variety of cases that it handles. 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. (Picture this: a doctor is trying to treat a child with really bad asthma, but isn't making progress because the landlord won't fix the family's moldy carpeting. The clinic goes after the landlord, the doctor gets to do his job, the kid feels better, and everyone is happy. Well, everyone except the landlord.) The clinic deals with cases ranging from these types of landlord-tenant disputes, to public benefits cases, to family law cases. Some cases are argued in court, others before administrative hearing judges, some are handled with steps as simple as a letter and a follow-up phone call. Whatever the situation, each student team is entirely responsible (with supervision, of course) for their clients' cases. Every case presented new challenges. I once had to figure out how to get a DNA sample from a corpse to try to prove paternity of a client's child to show that the disabled

child was eligible for Social Security survivor benefits. As far as I can tell, no other law school class covers that!

Most importantly, working with the **Poverty Law Collaborative** reminded me that there is a world beyond law school. It's easy to get sucked into things like classes, journals, or moot court, and never think about how to use our newly-acquired skills to *help* someone. A number of the clinic's clients have been some of the kindest people I've ever met, and all of them have dealt with situations that I could not have imagined. Before coming to the clinic, they had been dealing with their problems alone. All of a sudden, someone was depending on *me*. Working with these clients, whether survivors of domestic violence, parents trying to raise sick or disabled children with limited resources, or newly-documented immigrants with the bravery to confront a landlord and demand decent treatment in the face of homelessness, changed my perspective of how the law can be used to help people who do not always have the power to help themselves.

Have Your Cake and Eat it Too: Criminal Appellate Practice, By Abhishek Bajoria '07

The **Criminal Appellate Clinic** was, without doubt, the most fulfilling experience of my law school career. Not only did I make a tangible difference in my client's life, I also learned skills that have already helped me become a better lawyer.

I was assigned an individual case, familiarized myself with the facts of my client's situation, and, along with Professor Valerie Newman, met my client to discuss future steps. I realized that a tangible person was my client, not a name on top of a trial transcript. I was able to get all of my questions answered as well as develop a relationship with my client. If I had needed any more motivation, this was certainly enough. Although the study of law can frequently be a monastic exercise with little application in the real world, this clinic is as real as can get.

The clinic also had guest speakers, including a state prosecutor, who gave a different and important perspective on criminal practice. In addition to class and case work, the **Criminal Appellate Clinic** class toured a medium security prison. No amount of training would have prepared me for this first-hand experience of what life in a prison entailed. The fact that I felt claustrophobic after two hours gave me a newfound appreciation for prisoners incarcerated due to erroneous trial court findings.

The **Criminal Appellate Clinic** will also vastly improve your lawyering skills and writing abilities. The professors running the clinic are absolutely amazing. They have many decades of experience and have perfected the art of appellate advocacy. Even if you do not ever intend to practice appellate criminal defense, you will learn how to construct a narrative that will aid you in legal writing for years to come. In addition, you will learn to write so that judges hear you. You will learn to judiciously avoid use of conclusory words and make nuanced distinctions in your legal analysis and writing.

I have just started a federal clerkship in a district court. In the little time that I have been a clerk, I have already noticed the best motions incorporate the narrative and theory of the case techniques

that I learned in the clinic.

In sum, sign up for the **Criminal Appellate Clinic!** Not only will you help those most in need of legal assistance, you will improve your lawyering skills in a manner that will be forever useful to you. In addition, you will meet some amazing, dedicated, and passionate classmates while learning from two of the best professors at Michigan. In this clinic, you can indeed have your cake and eat it too!



Mediation Clinic: Training & Confidence for the Future, By Ashley Tessier '08

The **Mediation Clinic**, designed to give students training and practice in the field of mediation, provided invaluable hands-on experience unlike any traditional law school course. Having had no prior formal training in mediation, I left the program both prepared and inspired to continue mediating real-life disputes.

The clinic provides 40 hours of formal mediation training, as well as the opportunity to observe and conduct mediations in Michigan's small claims courts and community mediation centers. During the course of the semester, I observed and mediated numerous disputes in district courts in Detroit, Woodhaven, and the Wayne Mediation Center. These mediations included a custody battle between a father and a family friend for parental rights, a probate dispute over a deceased family member's assets, and several small claims cases between consumers and business owners.

As a student in a small clinic, I felt extremely supported. The students met regularly with Professor Vandervort to reflect on the mediation process and discuss difficult cases. These class meetings provided a fun and relaxed setting for sharing questions, concerns and insights about our experiences as new mediators.

I would highly recommend the **Mediation Clinic**; it far exceeded my expectations. Not only did I learn a great deal about mediation techniques, but I also gained the skills and confidence to apply them to a range of disputes. I hope to continue mediating this year with Michigan's community mediation centers, and have no doubt that my experience as a mediator will serve me well in practice after law school.

Reuniting a Mother and Daughter through the Child Advocacy Law Clinic, By Kate Pomper '08

Clinics at Michigan are known for providing an invaluable opportunity to learn the skills that we will need as practicing lawyers, and to do so working closely with phenomenal professors. What is less well known about the Michigan Law clinics is the opportunity they provide to use the skills we learn to help individuals and families who desperately need legal services. This aspect of our clinics allows us to make true differences in the lives of people in our community, and it is work that is intensely rewarding. In the **Child Advocacy Law Clinic**, these differences might be protecting a

child from an abusive adult or keeping a family together by assisting a parent in accessing services that will enable them to provide a safe and healthy home.

This past spring, one of my clients in the **Child Advocacy Law Clinic** (CALC) was a parent who had been with CALC for four years. When she was nineteen, the state had taken jurisdiction over her infant daughter and placed her with a paternal aunt under a limited guardianship, alleging mental instability, drug abuse, and a lack of stable housing. To regain custody of her child, our client had to take steps to address each.

Our client had made substantial progress with the guidance and support of prior CALC student attorneys. She had established a drug-free household, received counseling, and taken classes to improve her parenting skills, all while maintaining her relationship with her daughter through visitation. All three of us felt it was time to petition to terminate the guardianship. At a hearing at the beginning of the semester, my partner and I argued that the ultimate goal of the limited guardianship was to reunify our client and her daughter. The court agreed. Over the next few months, our client's visits with her daughter increased from one supervised hour a week to long weekend visits that amounted to half of every week. In April, we filed and argued the petition to terminate, and the court granted it. *After four years*, our client and her daughter were reunited.



As advertised, my experience in CALC gave me incredible preparation for working as an attorney and access to unmatched mentorship. Entering my summer internship, I already felt comfortable representing clients in court, counseling clients, communicating with opposing parties, and developing litigation strategy—essentially, I felt comfortable taking ownership over a case. My experience, however, also gave me a memory I will always treasure: sharing my client's unbelieving joy upon realizing she would finally be able to raise her daughter.

“Don't Graduate Without It” is an Understatement, By Michael Cedillos '08

The **General Clinic's** value is deeper than the succinct slogan “Don't Graduate Without It” suggests. The clinic is about finding yourself as a lawyer and as a person.

From day one, you and your partner have real cases, with real impact on real people. Some **General Clinic** cases are quick, short sprints into clients' legal lives. For example, my partner and I helped a disabled man remove a bank garnish from his social security payments and put a first-time drug offender on the path to having the charge expunged. We stood up in court on short notice, worked with prosecutors, and pushed the boundaries of our own understandings of the law.

Yet some of the best victories were long-standing efforts, as when I worked with two advanced clinic students to settle a

mortgage rescue fraud case over three years after it began. In this case, two sharp women tricked a man into believing that they were rescuing his long-time family home from foreclosure proceedings when, in fact, he was selling them his house subject to “rent” payments greater than those of the mortgage being foreclosed. In addition, they stripped over \$32,000 worth of equity from the house by constantly refinancing and charging various “fees” for their “services.” In the end, the clinic negotiated a very favorable settlement with the lenders. It was a spectacular result to a long and



winding case.

Everything I had learned in my classes suddenly became much more applicable (and therefore much more comprehensible) through my experience in the **General Clinic**. The Clinic also helped me define my legal interests by exposing me to various areas of practice that I would not normally have thought to explore. And even though I discovered that there are some areas of the law that I am not passionate about, I am grateful for having had the opportunity to realize that *before* I enter the working world.

In short, the **General Clinic** is an amazing part of the law school experience that everyone should have. If you are considering litigation, take the clinic for the opportunity to get your feet wet; it will put your future employer’s obligations into better perspective. And if you are considering transactional work, use the clinic to push your boundaries and to understand how the “other half” lives before you start working; it will reveal many of the kinds of difficulties you are trying to avoid as you craft your deals. It’s amazing how much a little experience can help shape your professional life for the better—and you can feel good about helping people in the process.

Children’s Rights Appellate Clinic: Capstone to a Michigan Law Education, by Paul Mata ‘07

Participating in the **Children’s Rights Appellate Practice Clinic** during my 3L year was one of my most rewarding experiences at Michigan Law. This clinic allowed me to pull together all the things I had learned during law school in a practical and meaningful way. Not only did I prove to myself that I could think like a lawyer, I also learned what it meant to *be* a real lawyer.

In the **Children’s Rights Appellate Practice Clinic** I had the opportunity to work on an appeal on behalf of abused children whose parents’ rights had been terminated. It was a real-life situation that inspired me to work incredibly hard. Perhaps the most rewarding, and challenging, part of my experience was writing the actual appellate brief. From reading through hundreds

of pages of court transcripts, to brushing up on Michigan family law, to developing a strategy for writing a powerful brief, I had to use virtually every skill I acquired in law school. Fortunately, Professor Lorry Brown was a meticulous mentor. Professor Brown worked very closely with me every step of the way to ensure that I thought about each issue carefully and had a true understanding of every fact as it related to relevant law. This one-on-one assistance proved invaluable to me in my legal writing and analytical skills and my overall approach to legal problems.

Beyond improving fundamental lawyering skills, the **Children’s Rights Appellate Practice Clinic** also gave me the chance to learn directly from leading practitioners and judges in the field. Because this clinic is small, I had the chance to engage in real dialogue with these practitioners and truly benefit from their expertise. These same practitioners served as judges for our mock oral argument at the end of the semester. Though they challenged me on virtually every point I argued, this single experience improved my oral advocacy skills ten-fold.

As a recent graduate, I can say I have already benefited from my experience in the **Children’s Rights Appellate Practice Clinic**. I finished the clinic much more confident about my ability to handle real-world legal situations and welcome the challenges inherent in the litigation and appeals process. Now that I have entered the workforce as a full-fledged attorney, I see that my clinical experience is a great asset. In short, the **Children’s Rights Appellate Practice Clinic** ensured that my legal education at Michigan Law was truly complete.



ALUMNI CORNER – Spotlight on Clinic Alums

As the Alan Morrison Supreme Court Assistance Project Fellow at Public Citizen Litigation Group, Emma Cheuse, CALC ‘05, Class of ‘06, coordinated pro bono legal assistance for “underdog” litigants with potential cases at the U.S. Supreme Court. During her time as a fellow, Cheuse assisted litigants in cases involving unconstitutional strip searches, handcuffing of elementary school students, plaintiffs’ access to court, employment discrimination, retaliation, and workplace injuries, environmental impact, and voting rights, among other issues. Cheuse said that the **Child Advocacy Law Clinic** was one of the most essential parts of her law school education. CALC gave her “the first real understanding of what it means to represent clients - in the most personal way possible, when they are dealing with family crisis,” and did so in a rich supportive learning environment, she said. Cheuse is now clerking for a federal court of appeals judge in Washington, D.C.