

CLINIC NEWS

FALL 2002

Law Students Co-Sponsor Wills Clinic



In order to provide the students hands on experience, Professor Vaughn James's "Wills and Trusts" class co-sponsored a "Wills Clinic" on October 2nd and 16th in conjunction with West Texas Legal Services' Private Attorney Involvement Program and the TTU Civil Litigation Clinical Program. 141 students participated in the wills project. Thirty-Six (36) students assisted at the wills clinic by conducting the intake interview for low-income persons needing representation with preparation and execution of their Last Will and Testament. The students, under the supervision of Professor Larry Spain (civil litigation clinic director), conducted the interviews and obtained the necessary information. Professor James assigned 18 teams with 7-8 students on each team. The first set of students developed the wills questionnaire, the second set conducted the intake interviews on site at the Maggie Trejo Center, the third set of students drafted the wills, and the fourth set of students administered the execution of the wills. A total of eighteen (18) clients were assisted through this combined effort.

"The students have reported that they have all benefitted from the experience especially the interaction with real people. I want to thank Nancy Mojica from WTLS, Professor Larry Spain and Elma Moreno from the Clinical Program for their efforts in coordinating the project. A special thanks to Professor Spain for supervising the students and to Elma Moreno and Samirah Barona for assisting at the clinics and coordinating the client appointments and serving as notaries and witnesses."

Professor Vaughn James

The clinical program moved to the new location in December 2001 and began its Spring 2002 semester in the new offices. The vestibule to the clinic offices was completed the beginning of the Fall semester. The office suite includes four offices for clinic faculty, a staff office, work areas, interview rooms, a reception/lobby area, and a conference room equipped with the newest video conferencing technology and other technology capabilities. Join us for the ribbon-cutting ceremony which has been scheduled for Friday, November 22, 2002, at 5:00 p.m. The law school will be honoring two local attorneys, Kevin Glasheen and Sam Fadduol, for their monetary contribution to the renovation and addition of the clinic offices.



NEWS AND NOTES

From the desk of **TIM FLOYD**.....

The following students participated in the Family Law Counseling course: Bonnie Hollier, Chris Harkins, Dana Phelps, Genaro Cortez, Jody Myatt, Marco Trevino, Mark Marshall, Patti Schoener, Roy Key, Sostenes Mireles II, Trevor Woodruff, and Wendy LeJeune.



This course was a one-semester 3 credit course which focused on legal counseling in the marriage and family context. Each student was required to attend two four-hour sessions at the Family Therapy Clinic during the semester. Students learned about marriage and family therapy in part through observation of sessions in the Family Therapy Clinic and of the follow-up sessions between the therapy doctoral students and their clinic supervisors. This provided students an invaluable opportunity to explore in depth a cross-disciplinary perspective on family problems. Drawing upon that experience, we studied emerging non-adversarial approaches to family law practice, including collaborative divorce and therapeutic jurisprudence.

From the desk of **LARRY SPAIN**.....

The following students were enrolled in the Civil Clinic during the Fall Semester: Lacy Adams, Katrina Bryant, Joshua Nieto, Bonnie Hollier, Wendy Lejeune, and Andrew Lloyd. In addition to cases assigned to them within the Clinic, each



student also assisted with client intake through outreach clinics sponsored by West Texas Legal Services. The students were also paired with attorneys from West Texas Legal Services and Lubbock County Legal Aid to work on selected cases.

In addition to cases carried over from the Spring semester, students were assigned 8 new cases during the semester including disability claims, divorces, social security overpayments and consumer claims. At the close of the semester, approximately 25 cases will remain open and carried over to the Spring semester.

A number of cases handled by the Civil Clinic have involved claims for disability benefits under the Social Security Act. To date, students representing claimants in disability claims have recovered in excess of \$67,000 in retroactive benefits and established a continuing entitlement to monthly benefits totaling in excess of \$4,600, many of whom had no source of income before the Clinic agreed to provide representation to them.



From the desk of DON WILLIAMS....

The following students were enrolled in the Tax Clinic since the last newsletter: Bryan Carter, Jeff Chandler, Genaro Cortez, Jacques DeLaMota, Tully Jordan, Jennifer McNamee, Aaron Pier, Danny Razo, John Ross, Cui Romo, and Kelli Todd.

These two classes have contributed more than 700 hours to client representation in Internal Revenue Service disputes regarding innocent and/or injured spouse claims, disallowance of Earned Income Credit, dependent disallowance, fraudulent return filing, stolen refund, offers in compromise, and identity theft audits. Four new tax court petitions have been filed and we are awaiting trial on four of the seven currently pending in the United States Tax Court. The four trials, along with two new cases filed pro se, are set for January 13, 2003. Fifteen (15) new cases were accepted and assigned to the students during the first summer session and the fall semester. Since inception, students have contributed more than an estimated 1,730 hours during the 2001-2002 academic year, first summer session 2002, and Fall 2002 semester. The students have succeeded in settling several cases while awaiting trial. In addition, they have successfully argued the employee/employer issue, innocence spouse issue, and dependency exemptions with the Appeals Division of the Internal Revenue Service. They have saved low-income taxpayers thousands of dollars of incorrectly assessed or proposed taxes. They have successfully resolved an identity theft case and are currently working on two others. The students have faced the challenge of dealing with taxpayers who cannot communicate in English and lack formal education. They have successfully learned how to deal with difficult clients, short deadlines, and the Internal Revenue Service.

From the desk of ANITA ROYAL.....

The mission of the criminal prosecution clinic is to afford its student-attorney participants a meaningful opportunity to obtain practice experience within the inner sanctum of the Office of the Lubbock County Criminal District Attorney. This semester, eight (8) extremely talented and ethical “ministers of justice” engaged in a variety of important prosecutorial tasks, ranging from case evaluation and analysis, conducting grand jury presentations, aggressively litigating juvenile, civil, probation revocation and misdemeanor matters. One student, Janaha Crawford, who was assigned to the civil division, provided essential research on an extremely complex and technical election issue. Her thoughtful memo was presented to and adopted by the Election Commission.



Since the criminal prosecution clinic remains a “work in progress” all students were not afforded the opportunity to participate in a jury trial. However, as we continue to revise and re-design the clinic, we remain optimistic that such opportunities will be available for future participants.

Many kudos to these exceptionally talented “ministers of justice” - **Wil** “I’m the Man” **Boyles**, **Jeff** “Mr. Smooth” **Chandler**, **Janaha** “The Brain” **Crawford**, **Erica** “Ms. Speed Demon” **Hall**, **James** “Mr. Mellow” **Herbrich**, **Jason** “the Terminator” **Parrish**, **Leon Reed** aka John Cochran Jr. Texas style and **Kimberly** “Ms. Appellate Queen” **Smith!!!!**

RECENT CASES OF INTEREST

A decision was issued in a §1983 civil rights claim in which the Civil Clinic was appointed by the U.S. District Court for the Northern District of Texas to represent a pro se Plaintiff. Several students in the Clinic during the Spring Semester of 2002, including Cord Borner ('02) and Pinar Dogru, assisted in drafting a brief to the U.S. Court of Appeals for the Fifth Circuit which was argued this past summer, resulting in a decision, *Hatfield v. Scott*, 306 F. 3d 223 (5th Cir. 2002).

Pinar Dogru represented a 48 year old woman with chronic knee pain secondary to degenerative joint disease with multiple operations and knee replacement surgery, pain disorder and depression this past summer in a hearing before an Administrative Law Judge resulting in a favorable decision finding her entitled to disability benefits retroactive to December, 2000.

The Appeals Council issued an opinion this past summer reversing and remanding a decision of an Administrative Law Judge terminating benefits for a 20 year old individual with mental retardation due to the failure to consider the combined effects of her physical impairments based upon a brief prepared by **Steven Woods** ('02). The case remains pending awaiting another hearing before an Administrative Law Judge.

The Appeals Council also issued an opinion this past summer reversing the decision of an Administrative Law Judge who had determined that the claimant's disability had ceased and directing the award of continuing entitlement to benefits for a 3 year old child with developmental, speech and motor delays due to hydrocephalus based on a brief prepared by **Sylvia Mora** ('02).

Wendy Lejeune and **Bonnie Hollier** have represented clients on disability claims before an Administrative Law Judge. **Lacy Adams**, **Katrina Bryant** and **Andrew Lloyd** had hearings before an Administrative Law Judge on their clients' claims for disability benefits on November 18.

Joshua Nieto represented a client in a temporary hearing seeking the award of spousal support in a pending divorce action in Seminole, Texas.

Andrew Lloyd and **Wendy Lejeune** each filed appeals to the Appeals Council of the Social Security Administration from decisions of an Administrative Law Judge denying claims for disability benefit.

Bonnie Hollier obtained a favorable decision for her 13 year old client after a hearing before an Administrative Law Judge which found him disabled retroactively to January, 2001 as a result of bipolar disorder, attention deficit disorder and major depression.

Bonnie Hollier obtained a favorable determination for an elderly, Spanish-speaking client which waived an overpayment of \$1,658 in social security benefits upon establishing that the overpayment occurred without fault on her part and that it would work an economic hardship for her to repay the Social Security Administration.

LAW SCHOOL WELCOMES NEW TECHNOLOGY

The Clinical Program Conference Room is equipped with Polycom View Station 4000. It is compatible with both H.320 and H.323 standards. This allows us to make video conference calls using either the internet or ISDN line.

A visual concert unit also allows us to send computer signals directly to the remote sites.

The video conference equipment has already been utilized. Three video conferences have been conducted. Two with Washburn Law School in Kansas and one with UT Medical Branch in Dallas.

In addition to the above, a new phone line has been installed for conference calls which will enable committees to conference with anyone off site who is unable to attend meetings.



TAX CLINIC HOSTS COALITION OF COMMUNITY ASSISTANCE VOLUNTEERS

The Tax Clinic played an important role in partnering with the community in developing the Coalition of Community Assistance Volunteers. The Coalition is in the process of incorporating as a 501c(3) non-profit organization and is one of three established in the state of Texas. The mission statement adopted by the Board of Directors includes "to provide educational and outreach assistance to low-income, non-English speaking, elderly, or disabled individuals of the community. CCAV will help these individuals and families achieve self-sufficiency through community-based organizations, awareness and education, financial literacy, and advocacy in an atmosphere of respect." The Board of Directors include: Judge Tom Head (President), Ysidro Gutierrez (Vice-President) from the Diocese Radio Station, Marion Bryant (Secretary) from American State Bank, and Elma Moreno (Treasurer) from TTU Clinical Programs. Board members include: Pete Lara, South Plains Association of Government, Dr. Robert Ricketts, TTU Business Administration, Walt Hanel, Tax Counseling for the Elderly, Regji Davis, African American Chamber of Commerce, and Susie Moore from American State Bank. Advisory directors include: Donald Williams, TTU Tax Clinic Director, Robert Brown, Debra Hedgcoth, Ricardo Soto, and Charla Vanhoutan from the Internal Revenue Service. Attorney for CCAV is Gwynn Key from McWhorter, Cobb & Johnson. The Coalition has been meeting monthly in the Clinic Conference Room. It is in the process of setting up the VITA (volunteer income tax assistance) sites in the community. If you are interest in becoming a volunteer, please contact Elma Moreno at 742-3990, Ext. 312, or Room 108F in the clinic office suites.

A WORD FROM OUR STUDENTS.....



**Professor Royal and Criminal
Prosecution Clinic Students**

"In regard to the Criminal Prosecution Clinic: I feel the practical experience I have gained in the clinic is very valuable. It was very encouraging to have so much support from your peers as well as having the opportunity to work with dedicated and experienced prosecutors. My time with the District Attorney's Office has strengthened my drive and determination to pursue a career in prosecution. "

Erica Terrell

**Professor Williams and
Fall 2002 Tax Clinic
Students: Jennifer,
Aaron, Bryan, John,
and Kelli**



"Taking the Tax Clinic during the Summer of 2002 has definitely become a bonus to my legal education. It was a great learning experience because I was able to represent clients with tax issues against the IRS.

The faculty and staff of the clinic gave me enough leeway to use my own professional judgement on questionable issues, yet, they were readily available to help if I requested it.

Overall, the tax clinic was a great experience that I would recommend for all law students."

Genaro Cortez (Tax Clinic - 1st Summer Session)

**Professor Tim Floyd
And
Family Law Counseling
Students**



“I am in the Family Law Counseling clinic program. Although we didn't get to do any actual clinic work as we had all hoped it was still an interesting program and I would recommend it to any student interested in family law. We got to observe the family counselors in action in the practicums and that was really interesting. The ways the counselors try and solve the individual's problems is directly opposite from the way an attorney would try and help with the problem. I think it was a good experience to see another discipline in action and I think that I will actually be a better family law attorney from this experience. I will certainly have more empathy with my clients and I hope I will be a better practitioner because of this class. I understand that there will be a more hands on approach to the class in the future with actual clients from the Family Counseling Center and their legal problems.”

Dana Phelps

“As part of Family Law Counseling we were required to spend a minimum of 8 hours observing actual courtroom proceedings. For me this was particularly beneficial because, until this class, I had not spent much time in court. I observed several hearings in Judge Parker's courtroom. Even though each case involved family law issues, there was something unique about each proceeding. For instance, some cases were handled pro se, while others were not. Even when each side was represented by counsel, the attorneys had different styles and different levels of skill. I was surprised at how often the attorneys either ignored or did not know the rules of evidence. I was also surprised that a few lawyers seemed to be unprepared and very disorganized while others moved efficiently through the process. No matter what type of lawyer showed up, Judge Parker maintained solid control of her courtroom while remaining flexible enough to accommodate a variety of styles and skill levels.

Overall, this experience gave me a good snapshot of actual family law proceedings that I would not otherwise have had.”

Patty Schoener

**Professor Spain
and
Civil Litigation Clinic
Students: Wendy, Lacy
and Katrina**



“Taking the Civil Litigation Clinic class was a great experience. The staff at the clinic quickly became my friends and associates and with Professor Spain's guidance, the initial shock of real legal work became manageable and enjoyable. I have certainly appreciated the value and benefit I received in enabling indigent and otherwise disadvantaged clients to pursue their legal ends. I know that the work I did made a big difference in the lives of many people. I am grateful for the opportunity to have learned and shared legal, as well as practical, knowledge. The hours spent in preparation for interviews, hearings, and appeals were well worth the rewarding smiles and education.”

Andrew M. Lloyd

“The Civil Litigation Clinic has been the most worthwhile class I have taken thus far in law school. Among the most beneficial clinic experiences was being able to represent some clients from beginning to end so that I gained a better understanding of the process as a whole. Also, having the opportunity to manage my own clients and caseload allowed me to learn some valuable lessons in a protected setting. Though the clinic is very time intensive, it is time well spent because it is not theoretical, everything you do has a lasting effect on real people.”

Katrina Bryant

A WORD FROM THE COMMUNITY

“I would like to say that I have enjoyed my opportunity to meet with the clinic students, both at the law school and here in my office. My experience with Katrina has been very positive..... I am used to doing my own work, but it was very helpful to have Katrina go over the CPS case information for me in the case I had assigned to her. Her ability to review the hundred or so pages of documentation and summarize in a couple of pages was invaluable and probably saved me at least a full morning of work. In addition, I have found the energy level the clinic students brought to the various projects assigned them here at WTLS to be refreshing. They are truly a dedicated and hard working group, and it has been a pleasure watching these young legal minds mature in the "real world".”

**George Alan Elliott
WTLS Managing Attorney**

“A "BIG THANKS" to all of the law students who helped out at the Wills Clinics at the Maggie Trejo Supercenter in October. It was a great experience for the law students as well as

for myself. I hope you had as much fun as I did. Also I want to thank Professor Spain for all the hard work he did in helping the law students get the Wills prepared and executed and also thank you Elma Moreno and Samirah Barona for also helping out at the Wills Clinics. I would have not done it without you.

A 'BIG THANKS' to the following law students who helped at the legal clinics this semester: Wendy LeJeune, Connie Carter, Russell Frost, Bonnie Hollier, Lacy Adams, Katrina Bryant, Mary Brighton, Alexis Dunham, Russell Frost, Andrew Lloyd, Kim Reasoner, Jody Rae Sartin, Bryan Stanfield, Joshua Nieto, Beckie Ramirez, Gabriela Martinez, Scott Meyer , Phillip Dearth, and Laura Wood.

A "BIG THANKS" to Professor Larry Spain and Elma Moreno for volunteering at the legal clinics throughout the semester, as well as, the following TTU Law School Faculty who volunteered at the pro bono legal clinics at St. John's United Methodist Church during the month of October: Anita Royal, J. Wesley Cochran, David Cummins, Dean Walter Huffman, Vaughn E. James, Angela Laughlin, and Associate Dean Brian Shannon."

**Nancy Mojica, PAI Coordinator
West Texas Legal Services**

A WORD FROM THE CLIENTS

"It's impossible to improve upon perfection!"

C.V.C.

"All facts of their actions were outstanding; where explanations were necessary they were provided with professionalism and great patience!"

G.R.C.

"Peter Delacerda was very helpful from the beginning to the end. Thank you."

O.H.

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Faculty & Staff

Timothy W. Floyd - Family Law Counseling Clinic

Larry R. Spain - Civil Litigation Clinic

Donald Williams - Tax Clinic

Anita Royal - Criminal Prosecution Clinic

Elma Moreno-Office Manager/Legal Assistant

Samirah Barona - Legal Secretary

HAPPY HOLIDAYS!
From Clinic Faculty and Staff



(Not pictured: Don Williams)

