



Texas Tech University  
**School Of Law**

# CLINIC NEWS



SPRING 2002

## RENOVATIONS AT LAW SCHOOL ACCOMMODATE CLINICAL PROGRAM

The Texas Tech University School of Law completed its renovations in the southwest corner of the law school (formerly Career Services) to accommodate the clinical program. The clinical program moved to the new location in December 2001 and began its Spring 2002 semester in the new offices. The offices include a conference room which will be equipped with the newest video conferencing technology and other technical capabilities. The newly remodeled offices include offices for four law professors, the office manager/legal assistant, a temporary office for the clinic secretary, and two student interview rooms. The vestibule construction, which will include two additional interview rooms and a reception/lobby area, is in progress and due to be completed before the Fall 2002 semester.

## CLINICAL COURSES OFFERED

The three clinical courses offered to its students include: the Low Income Tax Clinic, the Civil Clinic, and the Criminal Prosecution Clinic. In each clinical course, students engage in law practice under close supervision of a faculty member. Each clinic also includes a classroom component which covers legal issues and practical skills applicable to the students' work in the clinic. The addition of clinics at the law school strengthens an educational program that has long been known for preparing competent, ethical practitioners.

The *Low Income Tax Clinic* began operation in September of 2000. The Clinic Director is Don Williams, who spent many years with the Internal Revenue Service, first as a revenue officer, and then as trial counsel with the Office of the Chief Counsel. The clinic enrolls 8 to 10

advanced students each semester. The tax clinic is funded in part by a grant from the Internal Revenue Service, and it provides legal help to taxpayers with incomes equal to or less than 250% of the federal poverty level in disputes with the Internal Revenue Service. The Clinic does not prepare returns or handle normal audit situations. However, the clinic will provide assistance in all areas involving collection disputes, including, but not limited to: levy and seizure action, summonses, innocent spouse applications, offers in compromise, payment agreements, lien releases, and trust fund recovery penalties. The tax clinic welcomes referrals; potential clients may contact the clinic at (806) 742-4312.

The *Civil Clinic* is a one-semester course offered to third year law students with an enrollment of 8-10 students. The purpose of the clinic is to offer students the opportunity of working with actual clients in a closely supervised setting to develop a variety of lawyering skills while also providing legal services to individuals in the community who, as a result of financial inability, would otherwise lack access to an attorney. Students are given direct responsibility for handling all phases of client representation from the initial interview to representation before courts and administrative agencies. The Civil Clinic is supervised by Professor Larry Spain, who joined the faculty of Texas Tech University School of Law this summer after 18 years directing the clinical program at the University of North Dakota School of Law. In order to provide a quality educational experience for students, the Civil Clinic will undertake a limited number of cases, selected in close consultation with and through referral from West Texas Legal Services and the Legal Aid Society of Lubbock. With a small caseload, students will have the opportunity to thoroughly investigate and prepare a client matter entrusted to them and make independent judgments in a supervised clinical setting while reflecting on the strategic decisions they make and advocacy skills

utilized that will promote their future development as a highly effective and ethical professional.

Although the substantive focus of the Civil Clinic may change slightly over time as it develops, the range of civil cases handled is likely to remain fairly narrow. In a one semester course, the focus must be on developing and self-assessing lawyering skills rather than extensive substantive training. During this first year, the clinic has focused primarily on social security disability claims, in addition to handling several civil rights claims, drafting wills, and some miscellaneous civil cases. Students also gain essential interviewing and counseling skills through their participation in the Pro Bono Clinics coordinated by West Texas Legal Services Private Attorney Involvement Program.

The *Criminal Prosecution Clinic* is also a one semester four credit hour course. Students assist attorneys in the Lubbock County Criminal District Attorney's Office in the prosecution of misdemeanor and juvenile cases. Professor Tim Floyd is teaching the prosecution clinic course. The course provides students an opportunity to practice law in a litigation-intensive setting, handling a caseload in a professional atmosphere. Each student is in the third year and has a student practice card ("a bar card"). Students work under supervision in the Lubbock County District Attorney's office and are given the opportunity to handle all aspects of the prosecution of misdemeanor and juvenile cases, including all court appearances. Although the focus of the clinic is on criminal prosecution, the casework, along with regular class meetings, readings, journals, and individual conferences, are all designed to prepare the students to become effective trial lawyers in any type of practice.

## CLINICAL PROGRAM STAFF

Serving as the Office Manager/Legal Assistant for the clinical programs is Elma Moreno. Prior to joining the law school clinical program, Elma worked at West Texas Legal Services for 22 years and served as the Private Attorney Involvement Coordinator for 13 years.

Samirah Barona (formerly Samirah Clawson) joined the clinical programs in January 2002 as the clinic legal secretary. She had been working with the Tax Clinic making use of her bilingual skills since its inception while working in the law school administration offices as the Administrative Support Coordinator, prior to joining the clinical program.



**Tax Clinic Students Ricardo Granado, James Herbrich, and Marco Trevino working on cases!!**

## NEWS AND NOTES

### From the desk of TIM FLOYD.....

The following students participated in the Criminal Prosecution Clinic during the Spring 2002 semester: *Ashley Abington, Tacie Ball, Brandon Dakroub, Michael Dement, Javier Espinoza, Dax Garvin, Dustin Hopson, and Darlon Sojak.*

Students handled bench and jury trials, motion hearings, probation revocation hearings, and detention hearings. Students also assisted the lawyers in the District Attorney's office in the full range of the work of the office.

### From the desk of LARRY SPAIN.....

The following students were enrolled in the Civil Clinic during the spring semester: **Cord Borner, Pinar Dogru, Don Fletcher, Vance Metcalf, Sylvia Mora and Steven Woods.**

Students assisted with client intake through West Texas Legal Services, from whom the Clinic receives the majority of its referrals. In addition to client cases carried over from the fall semester, students were assigned the 17 new cases during the semester including the following types of matters: divorce, social security disability, real estate fraud, landlord/tenant, adoption, wills, and prisoner § 1983 claims. At the close of the semester, approximately 18 cases will remain open and carried over to the fall semester.

## From the desk of DON WILLIAMS....

The following students participated in the Tax Clinic during the fall semester:

***Richard A. Baker, Ricardo Granado, James Herbrich, Jeff Mix, Sharon Muro, Melissa Putman, Suzie Setchell, and Marco Trevino.***

Cases assigned to the students involved disputes regarding the following issues: innocent and/or injured spouse claims, disallowance of Earned Income Credit and dependent disallowance, fraudulent return filing and stolen refund, offers in compromise, and identity theft audit.

Progress was made on the stolen identity cases. Two more Tax Court cases have been filed. The next calendar in Spring of 2003 should have four or more cases for the students to try. The clinic has taken on more new clients and is aiming for the 100 mark by the end of 2002.



**Tax Clinic Director Don Williams and Tax Clinic student James Herbrich**

## RECENT CASES OF INTEREST

In a disability claim worked on by several students in the Civil Clinic last semester, the client has been awarded more than \$20,000 in retroactive benefits in addition to ongoing benefits of \$1,300/mo.

**Cord Borner and Pinar Dogru (Civil Clinic)** have worked throughout the semester on a case in which the Clinic was appointed to represent several inmates who filed a § 1983 claim raising the issue of an unconstitutional taking for the failure of the State to pay interest on Inmate Trust Accounts. They assisted in drafting briefs to the Fifth Circuit.

**Vance Metcalf (Civil Clinic)** represented a 56 year old woman with a ninth grade education with osteoarthritis, knee and back pain, and hypertension on a disability claim before an Administrative Law Judge. This resulted in a fully favorable decision entitling the claimant to monthly benefits and an award of benefits retroactive to her onset date of disability in August, 2000.

**Steven Woods and Sylvia Mora (Civil Clinic)** each filed appeals with supporting briefs from adverse decisions of an administrative law judge in two childhood disability cases.

**Don Fletcher (Civil Clinic)** completed a divorce case during the semester where the parties had one minor child and conducted the final hearing before the District Court.

**David Leamon (Civil Clinic)** completed representation of a disability claim involving a client with fibromyalgia which he began while enrolled in the Clinic during the fall semester by recently conducting a

hearing before an administrative law judge. No decision has yet been rendered.

This semester has been an interesting one to say the least. Both **Jeff Mix and Suzie Setchell (Tax Clinic)** had clients leave the U.S. without leaving a forwarding address. This was despite the fact that a United States Tax Court trial was scheduled for each in March. They both did a great job of preparing for trial and finally motions for continuances. Fortunately, the Court granted the motions. The search for the missing clients continues.

### A WORD FROM OUR STUDENTS...

“I would highly recommend the Tax Clinic to anyone wanting to gain practical experience working as an attorney. Simply put, Professor Williams is the best. You know from the minute you walk into his class that he cares about his students. He follows the philosophy that the only stupid question is the question left unasked. And then there is Elma Moreno, always there to help and to pick up the pieces. By the end of the semester I began to think there was nothing she could not do. And finally, there is Samirah, translator extraordinaire. I gained more confidence working just one semester in the Tax Clinic than I did the entire time I was in Law School.”

Sharon Muro  
(Tax Clinic)

“All in all I felt this clinic really helped teach me what the practice of law is really like...at least in misdemeanors.....This clinic can only get better and I think it's a great way to learn...real hands on experience.”

Javier Espinoza  
(Criminal Prosecution Clinic)

“By participating in the criminal prosecution clinic, I have a better appreciation for defense work, a better understanding and compassion for the criminal defendant and a new attitude about criminal defense work.”

Tacie Ball  
(Criminal Prosecution Clinic)

“The criminal prosecution class has been the most beneficial class I have taken while at Tech Law. This class not only solidified in my mind that I definitely want to be a state prosecutor, but it gave me the practical knowledge that was not available in the other classes that I have taken. I would also like to thank Professor Tim Floyd and the Lubbock County District Attorney's Office for making this class possible.”

Dax Garvin  
(Criminal Prosecution Clinic)

“The Clinic is a valuable experience because it allows the student to experience the practical side of the legal field that the classroom and textbooks do not provide. My experiences have included learning how to interview a client (my experience with real clients was much different than the BOB competitions), how to start with the facts that the client presents and decide what needs to be researched and what is irrelevant, how to organize your client's file, how to prepare your client's file and case to be ready for the courtroom, how to work with deadlines, and how to work with a "senior partner.”

Melissa Puttman  
(Tax Clinic)

**A WORD FROM OUR  
CLIENTS.....WHEN  
ASKED:**

*What did you hope to  
accomplish by having legal  
representation?*

“Peace ... knowing that I do not have to  
worry anymore about this.”

RLA  
(Civil Clinic)

“Understanding legal forms for living will,  
power of attorney - make a will”

DRB  
(Civil Clinic)

**CONGRATULATIONS  
AND BEST OF LUCK TO  
ALL “2002” GRADUATES!**



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**Faculty & Staff**

Timothy W. Floyd - Professor  
Larry R. Spain - Professor  
Donald Williams - Professor  
Elma Moreno-Office Manager/Legal Asst.  
Samirah Barona - Legal Secretary