Clinical legal education is about providing law students with practical, real world law practice experience prior to their law school graduation. At the University of Houston Law Center, our clinical program is known in the Houston area for the variety of cases and the many people they have helped over the years; members of the community who would otherwise not have access to legal help. University of Houston Clinic Law students represent clients in the areas of family law, probate, immigration, consumer law, criminal law, and small business development. In addition, our law students can become certified mediators working with the Harris County Small Claims Court judges, the BBB, and the EEOC to further assist with the settlement of conflicts while gaining the skills needed to represent clients in the future.

Through the UH clinics, our students learn lawyering skills such as case management, document drafting, trial preparation and oral advocacy, client interviewing and counseling, ethics, zealous representation, and time management; skills that will help them become the best lawyers in the city. Because students also learn about the substantive law by practicing in their particular clinic, they find their clinic time to be one of the most rewarding of their law school experiences. In this, our first clinic newsletter, the wide variety of clinical experiences available to the UH Law Student community are highlighted.

~ Janet Heppard

In This Issue:
1. Director’s Note
2. Transactional Clinic Students, On Their Clinic Work
3. Clinics Fuel Student’s Drive to Hone Negotiation Skills
4. Civil Practice Student Work Highlights
5. Clinic Student Perspectives
6. Mediation Clinic Makes 40 Hour Mediation Training Available to UHLC Students
7. Clinic Faculty Spotlight
8. Upcoming Events
9. Contact Us
This semester’s judicial interns and externs enjoyed a wide variety of learning experiences over the past four months. Our judicial interns worked at the U.S. Fifth Circuit Court of Appeals and for the Texas First Court of Appeals, as well as for numerous federal and state district court judges. Their duties included performing legal research, drafting legal documents, sitting in on conferences, observing courtroom proceedings, and assisting judges with their scholarship and professional presentations. Some of the judges were in the midst of re-election campaigns, which gave those student interns an inside look at state judicial elections, (both the good and the bad).

The UHLC externs worked at a wide variety of field placements, including: the Harris County District Attorney’s Office; the Harris County Attorney’s Office; Kids in Need of Defense (KIND); UHLC’s Center for Children, Law & Policy; the Compliance Department of Houston Baptist University’s Athletic Department; the Texas Office of the Attorney General; Baylor College of Medicine; the IRS; the Museum of Fine Arts/ Houston; and the Texas Accountants and Lawyers for the Arts (TALA).

As part of their coursework, the interns/externs recorded their daily thoughts and reflections about their work experiences in online journals. Below is a sampling of several journal entries which serve to illustrate the impact these experiences have on the students’ legal education and how they perceive our legal system in action in their own words:

Camaraderie in Chambers; Getting Inside a Judge’s Decision Making Process, by a Judicial Process student:

When I went to drop off an assignment, [the clerks and Judge] were all in Judge’s Chambers talking and just catching up. It was interesting to see the more collegial informal interaction between the entire office. I say “informal” because we were not discussing case materials, but it was still formal when addressing Judge. It was interesting to see how much they all cared and were interested in each other’s lives.

[On another day, after a sentencing hearing,] I had the unique opportunity to talk to Judge about his decision. I asked a handful of questions, and he answered them, as well as explained … how the sentencing guidelines work [as well as] his rationale on why he thought a variance was more appropriate in the current situation.

The judge had listened for close to twenty minutes of argument before he issued a ruling, which made me wonder how Judge could hear these very intricate objections and legal theories, then still rule on the issues so quickly. …With how persuasive and well-argued the objections are, I wonder how much that can affect the judge’s initial decision. I plan on addressing this question with him on Tuesday.

(This student observed how judges are people, too, and how pleasant it is to work in a collegial professional atmosphere. He also realized how fortunate he was to be able to really dig into a judge’s thought processes which occur when he/she is making these important, complicated, and often life-changing, decisions.)
Learning from Observation, by a Public Interest Workplace externship student:

We had a short docket today, so I went to watch the Jessica Tata trial. It turns out the case is a large media case and is held in the “Ceremonial Courtroom.” The case really saddened me and reconfirmed my underlying reasoning for not wanting to pursue criminal law – it is so draining, and, especially when children are involved, it’s a game changer.

As a young person myself, I envision Tata had numerous dreams for herself, not including a life in prison, but as her defense attorney, Mike DeGuerin, suggested, “People have an emotional reaction without knowing all the facts. That’s the hardest thing,” I wholeheartedly agree – while I believe in justice under the law, it is difficult to overlook the fact that these little lives did not have a chance to live - how is any defense reasonable after that?

(This student got a taste of what life would be like as a local prosecutor, and realized it is not a career path she wishes to follow. Had she not have done this externship, she might not have known that about herself until she was already working – unhappily – at a similar type of job.)

Soaking Up the Experience Like a Sponge While the Time Flies By, by another Judicial Process student:

I finally found a line of cases that discusses a way for Judge to collect from the (Defendant’s) current wages. I will spend all of the next two weeks writing this issue up into a memorandum opinion. I am really enjoying my work for Judge, and there has been no shortage of work or interesting issues. The semester is going by extremely quickly, and it is hard to believe that soon I will be done. In the meantime, I will continue to absorb and learn as much as I can about [this area of the] law.

(This student so enjoys the researching and writing she’s getting to do for her judge, her semester is flying by.)

TEXAS INNOCENCE NETWORK (TIN)

Students Achieve Execution Day Stay

By Cassandra Jeu

Under the supervision of Professor David R. Dow, UHLC Death Penalty Clinic students assist in the investigation and litigation of cases where a client has been convicted and sentenced to death. In some cases, the client has a pending execution date, resulting in a race against the clock to obtain relief. But in every case, Death Penalty Clinic students' work has literal life-and-death implications.

Over the past year, Death Penalty Clinic students were instrumental in obtaining two key victories for a single client. UHLC students Kelly Hickman, Dara Hoey, Cara Henly Johnson, Chelsea Keeton, Brittany Morris-Easley, Erin Osborn, and Kate van Janse Rensburg assisted Professor David R. Dow and Clinical Supervisor Jeff Newberry in drafting both a clemency petition and a motion for DNA testing on physical evidence found at the scene. Five days before their client was scheduled to be executed, the trial court withdrew the execution date, holding that additional proceedings regarding DNA testing were needed.

Inexplicably, a second date was scheduled while DNA testing was still pending. Death Penalty Clinic students then assisted in drafting federal filings to have DNA testing completed. On the day the client was scheduled to be executed, the Federal District Court granted a stay, pending completion of DNA testing.
IMMIGRATION PRACTICE CLINIC

Outreaches, Trainings And Other Events

By Geoffrey Hoffman

Immigration Clinic students, under the supervision of their professors, handle cases including the following: 1) appeals before the Circuit Courts and Board of Immigration Appeals, 2) immigration court trials relating to asylum, cancellation of removal and special immigrant juveniles as well as 3) asylum, Violence Against Women Act, U (crime victim) and T (human trafficking) visa, family and naturalization cases before U.S. Citizenship and Immigration Services (CIS).

The Clinic is currently collaborating with the St Mary’s Immigration Clinic in the representation of three minors in an appeal before the Fifth Circuit Court of Appeals.

In the Immigration Clinic students learn how to effectively and successfully represent clients, interviewing, courtroom techniques, research skills and persuasive writing. Students also learn how to make presentations to the community on a variety of immigration topics.

The Immigration Clinic participated in numerous outreach programs throughout 2012. In June 2012, the Clinic continued its tradition of presenting the “Joseph A. Vail” workshop on asylum law and mental disabilities. Speaking to a large turnout, the Honorable Howard Rose and clinic faculty presented at the conference along with various experts who spoke on a range of topics.

Clinic Professors, along with clinic student attorneys, assisted with naturalization applications at several Citizenship & Naturalization forums, provided consultations to the Bay Area Access to Benefits Fair and to undocumented high school students from local high schools.

In May, Professors Susham Modi and Jill Campbell presented an immigration training in Austin, Texas, for the Texas Department of Family Protective Services. Professor Janet Beck presented on cutting-edge issues in asylum law to Physicians for Human Rights.

In addition, Professor Campbell provided trainings on immigration relief for victims of crime, domestic violence and trafficking to the S.A.A.F.E. House Shelter in Huntsville, Texas, and The Children’s Assessment Center in Houston, Texas. In late summer 2012, the Clinic and Law Center hosted a DHS Roundtable at the UHLC with government officials travelling from Washington D.C. and meeting with community members.

In light of the announcement by Janet Napolitano about the new Deferred Action Policy for Childhood Arrivals (DACA), the Clinic has presented informational sessions on this new policy at various University of Houston campuses to undocumented students who are interested in applying. In addition, our Clinic students have been assisting the professors with one-on-one consultations in the Clinic offices to pro se applicants who are seeking guidance and advice on their applications. In September, Professors Hoffman, Beck and Modi spoke at the Iglesia Bautista advising the participants attending a two-day seminar on a range of topics, including naturalization, admissibility, deportability and DACA.
TRANSACTIONAL LAW CLINIC

Students, On Their Clinic Work
By Kafah Bachari

The Transactional Law Clinic provides an opportunity for law students to gain insight and experience in the practice of transactional law. This semester students have had the opportunity to meet with clients, draft various kinds of agreements, and provide legal solutions to business problems.

This semester the Transactional Law Clinic invited several speakers to talk to students about a variety of issues that are of interest and importance to lawyers practicing in the transactional law field. Guests included in-house counsel from Hewlett-Packard, partners from Jackson Walker, LLP, and Looper, Reed & McGraw, P.C., as well as experts in social media and emotional intelligence.

The goal of the TLC program is to give students (1) a strong foundation in the practice of transactional law; and (2) a competitive edge in the legal marketplace by making them “practice ready” upon graduation.

Below are a few notes from students in the Transactional Law Clinic this semester.

“My most interesting work this semester has been the formation of a 501(c) nonprofit. I drafted the certificate of formation and bylaws such that they comply with the state requirements for forming a non-profit, and at the same time meet the IRS requirements for obtaining 501(c) status. It has been very exciting to be involved with the startup phase of an organization and help a client build something new.”
—Michael Pham, 3L, Transactional Law Clinic

“The Transactional Law Clinic has involved meeting and corresponding with clients, drafting contracts, and researching legal issues. I’ve worked with a client to start up an online tutoring service and it has been a good opportunity for me to gain practical experience.

My colleagues and I have drafted and revised a web development services agreement, an employment agreement, an independent contractor agreement, and an operating agreement. The experience has included direct interaction with the client through meetings, emails, and phone calls. The experience has given me better insight into the tasks and issues a transactional lawyer would engage in and would recommend this course for anyone interested in learning more about the transactional practice law area.”
—Nakis Urfi, 3L, Transactional Law Clinic

“The Transactional Legal Clinic provides the practical skills necessary to identify drafting pitfalls and to try to mitigate the litigation risk of your clients.

During my experience with the Transactional Legal Clinic, I was given the opportunity to dissolve a Texas corporation, to draft a non-compete agreement, a non-disclosure agreement under EU law, and an executive employment agreement.”
—Andrea Barr, Transactional Law Clinic
CONSUMER LAW CLINIC & MEDIATION CLINIC

Clinics Fuel Student’s Drive To Hone Negotiation Skills

By Jeffrey Adams, 3L

During the Spring 2012 semester I worked in the Consumer Law Clinic under the supervision of Professor Richard McElvaney. The Clinic gave me the opportunity to aid a tenant in negotiating his way out of an eviction in Justice Court, helped a woman erase debt claims against her in Federal District Court, and assisted a client with a timeshare vacation rental that the client no longer wanted to maintain. A particularly challenging case involved a consumer who was embroiled in a long-running lawsuit with multiple parties in State District Court involving the sale of the woman’s house. She lost her house, her credit was damaged, and she was threatened with claims for tortious interference of business and contract. Both I and Matt Michels, a fellow clinic student, represented the client in mediation where she received modest compensation, and all claims against her were dropped. We wanted much more, but the client was beyond relieved to put the matter behind her. The experience reinforced the important lesson that an advocate's sense of justice cannot get in the way of a client's satisfaction. The lawyer's goals always come second.

On the heels of my first mediation, I signed up for the Mediation Clinic in the Fall to learn more about the process and hone my skills for negotiation. On behalf of the Harris County Dispute Resolution Center, I mediated in Justice of the Peace courts for Judges Green, Burney, Delgado, and Ridgeway. I have volunteered my time with the Houston Better Business Bureau and plan to continue volunteering through next semester. I also assisted with the Blakely Advocacy Institute’s 40-hour mediation class in October, and I will be a research assistant for Professor Tasha Willis in the Mediation Clinic next semester.

As part of the Mediation Clinic this fall, I have mediated credit default cases, landlord-tenant disputes, and consumer complaints. I have negotiated settlements with pro se parties, local attorneys, and a criminal judge who was representing his friend in a landlord-tenant dispute. One of my more interesting mediations involved a luxurious day spa visit that ended in an unfortunate trip to the hospital, and I wrote a scenario for the Blakely 40-hour class loosely based on the facts of that real-life mediation. I highly recommend law students take both the class and the Clinic. Whether you are interested in working as a mediator or simply want to be a better advocate for your client who lands in mediation, the class and the Clinic both offer great practical training. If you sign up for the Mediation class, keep an eye out for “Brasileira.”

CIVIL PRACTICE CLINIC

Student Work Highlights

By Janet Heppard

The Civil Practice Clinic allows the law students to experience a “small firm” type civil practice with a caseload that a small firm or solo practitioner might handle. The areas of law include family law, probate/guardianship, and bankruptcy. The students learn how to represent someone getting a divorce or representing a child as an Amicus Ad Litem in a custody case as well as working with someone who has had a death in the family and inherited property or who have a family member who is incapacitated and needs a guardian. The skills required/learned include learning both the substantive law and lawyering skills such as case management, oral advocacy, negotiation, and time billing. The clinic also teaches students how to work with attorneys in other areas of law as they team with students from the Immigration Clinic on Special Immigrant Juvenile cases or students in the Consumer Law Clinic on consumer issues that arise in their other cases. Throughout this experience, the students also learn how much need there is for everyone to have equal access to the courts and the strong need for attorneys who will work pro bono or at a reduced fee.
"I believe that not only classroom experience, but also the social skills acquired through clinic work diversify experiences to prepare a law student for the real world. Currently, in my 3L year as a student attorney, I am managing all aspects of a real estate related lawsuit.

I am helping a single mom on the verge of losing her first and only home due to unfortunate trespass to try title claims against her homestead. At the same time, I draft and file petitions, summary judgment motions and real estate documents, and take depositions. If you have an aptitude for contributing to the society and supporting the underprivileged, think about involving in the Consumer Law Clinic; that will equip you well for real-lawyering."

— Lale Korkmaz, 3L, Consumer Law Clinic, Fall 2012

"When I decided to go to law school, finding a way to help people was one of my priorities. I think that the Immigration Practice Clinic has offered me this opportunity. I’ve gotten to learn and become a better lawyer while helping people. During the semester, I primarily focused on helping female victims of violent crimes. It was such a rewarding experience to be a positive force in my clients’ life. Also, this opportunity allowed me to cement my interest in immigration law. I am really glad I made the decision to be part of the Immigration Clinic. It has been such a wonderful experience.

Also, the hands-on experience that the clinic allowed me to have has made me very confident about being ready to practice as soon as I graduate."

— Nancy M. Molina, Immigration Practice Clinic I, Fall 2012

"Through the Civil Practice Clinic, I have gained valuable real world experience. I have participated in bench trials, hearings, and mediations. I’ve learned how to interact with clients and opposing parties. I have represented clients in a divorce, children in custody battles, parents applying for guardianships, etc.

The Civil Practice Clinic has provided me with a great environment to learn how to handle a case in the real world."

— Shiloh Carter, 3L, Civil Practice Clinic I & II, Spring and Fall 2012

"The Immigration Practice Clinic is an ideal place to learn both practical and theoretical legal knowledge from experienced professors in a mini law-firm atmosphere. You develop close relationships with your colleagues as you work with them on cases and get to know your clients. Working on briefs, dealing with government agencies, and interviewing with clients has really prepared me to step out into the legal field with substantive and commercially viable experience under my belt."

— Varsha Shirhatti, Immigration Practice Clinic I, Fall 2012
Clinical Legal Education Program

Missouri Trust for Public Legal Education (MO) 2012-13 Inaugural Scholarship & 2012 Clinic Student Awards Recognition

By Tasha Willis, with excerpt from 2012 Deans’s Awards

Hon. Frank G. Evans Inaugural Scholarship, 2013

In commemoration of Honorable Frank G. Evans, this scholarship is awarded to a student or students for outstanding performance in the Mediation Clinic. Honorable Frank G. Evans is referred to as the “Father of ADR in Texas,” because he was responsible for drafting the Texas ADR statutes now part of section 154 of the Texas Civil Practice and Remedies Code. Additionally, Judge Evans was ranked by Texas Lawyer as one of the top 100 leading legal legends in the State of Texas for his work on the ADR statute. He was also the original donor to fund UH Law Center’s A.A. White Dispute Resolution Center.

Donors: Julie Antalfy, Tasha Willis and US Bank Corp
Recipients: Jeffrey Adams and Salma Hasan

Joseph Vail Memorial Scholarship, 2012

To honor the memory of Joseph A. Vail, Director of the Immigration Clinic, this award is given to a student who has demonstrated interest in immigration law and also great advocacy on behalf of immigrants through course work and involvement with the clinic.

Donors: Friends and Family of Joseph A. Vail
Recipient: Andrea L. Penedo

Sam Williamson Fellowship in Immigration Law, 2012

This scholarship was created in memory of Sam Williamson, a tireless advocate for immigrants. His career spanned more than five decades during which he fought fiercely for the rights of his clients. It is awarded to a student who is committed to the practice of immigration law.

Donors: Family and friends of Sam Williamson
Recipient: Dyan E. Parada

Clinical Legal Education Association Outstanding Student Award, 2012

In recognition of a student who has excelled in a clinical course in law school. The award is based on excellence in case work, in the seminar component of the course; and, if relevant, the nature and extent of the student’s contribution to the clinical community at their law school.

Donor: Clinical Legal Education Association (CLEA)
Recipient: James Cypert

Irving J. Weiner Memorial Scholarship, 2012

Awarded to a student working in the University of Houston Law Center’s Clinical Legal Education Program.

Donors: Mrs. Irving J. Weiner and friends of Irving J. Weiner
Recipient: Sarah P. Loeffler

Clinic Director Heppard, Sarah Loeffler and Dean Nimmer at the 2012 Dean’s Awards Ceremony
CLINICAL LEGAL EDUCATION PROGRAMS

Clinic Faculty Spotlight

Clinic Professor Barbara J. Stalder was appointed to the Legal Services to the Poor Standing Committee of the State Bar of Texas, an organization that studies the system of defense of indigent persons in criminal law matters in Texas, collects data and other information relevant to their defense and develops recommendations for action by the State Bar of Texas, the Texas legislature and all other entities that are or should be involved in the provision of quality representation to indigent persons involved in criminal matters.

Clinic Professor Erma Bonadero was selected as a new member of the Garland R. Walker American Inn of Court and Clinic Professor Barbara J. Stalder has also been selected as a new member of the Burta Rhodes Raborn Family Law American Inn of Court. The Inn of Court is an organization designed to improve the skills, professionalism, and ethics of the bench and bar. This organization -- consisting of judges, lawyers, law professors, and law students -- holds programs and discussions to help lawyers and judges rise to higher levels of excellence, professionalism, and ethical awareness.

Clinic Professor Erma Boandero was selected to serve as a member of the Harris County Drug Court Foundation’s Board of Directors. This nonprofit’s mission is to: (1) provide financial support to the Harris County’s STAR (Success Through Addiction Recovery) felony drug court program; and (2) raise awareness in the community about the life-saving, fiscally responsible activities of the STAR program.

Clinic Professor Janet Beck published an article in the Texas Bar Journal entitled, "Human Trafficking and the T Visa Process" (November 2012, Volume 75, No. 10).

Clinic Professor Tasha Willis published an article in the Texas Supreme Court Historical Society eJournal entitled, "A Historical Glance of Arbitration in Texas" (February 15, 2013).
Upcoming Events

40-Hour Mediation Training
Blakely Advocacy Institute
AA White Dispute Resolution Center
(713) 743-2066 Fee:$1,185.00
Fee includes materials, meals and parking.
MCLE: Approx.. 40 Participatory; 4 Ethics

Commercial Arbitration Training
(Domestic and International)
Blakely Advocacy Institute
White Dispute Resolution Center
(713) 743-2066 Fee:$1,925.00
Fee includes materials, meals and parking.
MCLE: Approx. 28 Participatory; 4.75 Ethics
August 21-24, 2013

STUDENT Judicial Internship/ Externship
UHLC - Judicial Internship/ Externship
Program Director, Erma Bonadero
ECBonade@central.uh.edu
April 18, 2013, 12-1pm - Mandatory meeting/orientation for summer internship/externship students in BLB, Room 240
(no attendance = no credit)

STUDENT Mediation Training
UHLC - Blakely Advocacy Institute
(713) 743-2065 Fee:$75.00
Fee includes materials, meals and parking.
May 22-26, 2013
August 12-16, 2013
October 11-13 & 18-20, 2013

Specialized Mediation Series
Blakely Advocacy Institute
AA White Dispute Resolution Center
(713) 743-2066 Fee:$70.00
Fee includes materials and parking.
MCLE: 4 CLE; 1 Ethics
February 8, 2013 - Probate-Breaking Impasse
April 12, 2013 - Mediating Construction Disputes

STUDENT 30-Hour Advanced Family Mediation Training
UHLC - Blakely Advocacy Institute
(713) 743-2065 Fee:$75.00
Fee includes materials, meals and parking.
September 27-29, 2013

Clinic Contact Information

Clinic Mailing Address
Clinical Programs
University of Houston Law Center
100 Law Center, TU2 Room 56
Houston, Texas 77204-6060
Main: (713) 743-2094
Fax: (713) 743-2195

Civil Practice Clinic
Janet Heppard, Clinical Program Director
JHeppard@central.uh.edu

Consumer Law Clinic & Consumer Complaint Center
Richard McElvaney, Consumer Law Clinic Director
RMcElvaney@central.uh.edu

Criminal Practice Clinic
Erma Bonadero, Internship/Externship Program Director
ECBonade@central.uh.edu

Texas Innocence Network (TIN)
David R. Dow, Co-Director of the Texas Innocence Network
DDow@uh.edu

Immigration Practice Clinic
Geoffrey Hoffman, Immigration Clinic Director
GHoffman@central.uh.edu

Mediation Clinic
Tasha Willis, ADR Director
TLWillis@central.uh.edu

Transactional Clinic
Kafah Bachari, Transactional Clinic Director
KBachari@central.uh.edu

Externship & Judicial Internship Programs
Erma Bonadero, Internship/Externship Program Director
ECBonade@central.uh.edu

The University of Houston is an EEO/AA institution.