

2004-2005 Year in Review

CHILD ADVOCACY CLINIC:

Fall 2004

LeAnn Jones, 3L, served as the Student Director for the Fall semester. As Student Director, LeAnn handled the ongoing and complex cases of the clinic. In addition, she provided clinic students with support and knowledge. LeAnn advocated for children in several court appearances. As a returning Student Director, she was allowed to appear at hearings without supervision. That opportunity allowed her to “test her lawyering wings”.

Stephanie Charles and Nicole Dupont, both 2Ls, worked diligently for children by working on one case as guardian ad litem, working on another case as the attorney for the child and also by representing a guardian ad litem while in the clinic. They were quite the “dream team” as they advocated for children.

Amber Pederson, 2L, partnered with **Meilin Obinata, 2L**. The two of them prepared for court with thoroughness and concern for the best interests of the children. They also worked as guardian ad litem and sought to serve the best interests of a child who they recommended to be reunited with her biological mother. Amber and Meilin learned that some children are not able to be clients and they had to learn when to “give up” on representation.

Megan Treuer, 3L, worked alone during the semester. She worked on cases in both Ramsey and Hennepin County as the

Guardian Ad Litem. She worked closely with the Student Director. Although Megan was sometimes “outsized” by her clients, she worked to protect their best interests.

Katie Kaupa and Sara Johnson, 2Ls, had family law cases involving a young mother who had allowed her adult cousin to have physical custody of the client’s child. The client and the client’s cousin became embroiled in a custody dispute over the toddler. Katie and Sara did an excellent job of providing legal representation of this young mother in a difficult situation.

Spring 2005

Karen Dalley, 3L, and **Hue Le, 3L** wrote a Guardian Ad Litem report as well as drafted pleadings on behalf of their clients during the Spring semester. Karen and Hue were quite adept at “interviewing” a busy little client while attempting to obtain important information from his foster parents. Karen and Hue have graduated.

Sarah Shafarik, 2L, and **Stefanie Olson, 2L** handled a variety of cases. They represented Guardian Ad Litem (GAL) in Hennepin County and acted as a GAL in Ramsey County. Sarah and Stefanie honed their skills at client interviewing as well.

Becky Evans-Dennison, 2L, represented two young girls who had been placed out of the home. Becky encountered a rather stern judge but she persevered on behalf of her clients and winning the respect of opposing counsel as she responded without caving. Becky had several other cases involving children such as a case in Ramsey County

where a petition to vacate an adoption was filed. **Andrea Bartz**, 2L, partnered with Becky to act as the Guardian Ad Litem on behalf of the children's best interests. Andrea and Becky worked diligently to determine solid recommendations on behalf of the children.

Jodie Humphrey, 3L (now graduated), was the Student Director for the semester. Jodie maintained office hours while maintaining a busy caseload. Jodie represented sibling teenagers in an effort to keep them in their foster care placement. In addition, she acted as the Guardian Ad Litem for cases in both Ramsey County and Hennepin County as well as representing the Hennepin County Guardian Ad Litem in ICWA cases. Jodie made numerous appearances without supervision as she had acquired the requisite skills to appear solo. Jodie's work impressed the Judges that she appeared in front of at Hennepin County. Impressive!

Child Advocacy Clinic Alums:

Congratulations to **Michele Newell** who has been hired as a Public Defender in the criminal division in Boulder, Colorado. Congrats to **Jodi Stark Drews** who is starting as a Public Defender in the Hennepin County Public Defenders Office. Best wishes to **Megan Treuer** who is working for Anishinabe Legal Services at the Red Lake Reservation office. We wish them all luck! They are examples that the Clinic skills are useful and transferable!

INNOCENCE CLINIC:

The Innocence Clinic works in conjunction with the Innocence Project of Minnesota. In the clinic, students have the opportunity to investigate claims of actual innocence being made by inmates in Minnesota, and North and South Dakota.

The Spring 2005 semester marked the launch of a week-end clinic, taught by Professor Robin Magee. Weekend students now include 5 students. An eager student with relevant background and experience was added. All of the students are devoted to seeking innocence. The class regularly meets for an hour beyond the time class is scheduled to end. Three members of the class plan to travel to the federal prison at Terre Haute, Indiana--a nine-hour drive--to visit with an inmate and a co-defendant.

All of the students have traveled hours to visit other inmates in Minnesota prisons. None of the students reside in the Twin Cities. Most stay more than two hours outside of the Twin Cities but have sacrificed and come down even during the week to follow up on the cases. We also have made important connections with the legal and greater community. We have had the president of the local NAACP in class. His organization had been instrumental in forcing the investigation and prosecution of one of the cases we're reviewing. We also were visited by a lawyer who specializes in cases in which arson has been alleged (which is relevant in one of our cases), a lawyer who worked on a case under review, a DNA expert, and professional investigators.

Students start working a claim by obtaining primary source material – police reports, forensic reports, court pleadings, transcripts, appellate briefs and opinions. At that point, many of the students have had the opportunity to talk to the trial and appellate attorneys who had previously worked on the case. This usually gives the students a great deal of insight into the legal process.

After reviewing all of the source material, if the case still appears to be a viable one, the students will often visit the inmate in prison. Most of the students find this to be very interesting and rewarding as few of them

have ever visited a prison. It also gives them an opportunity to meet the inmate in person and question them about their claim. At this point, the students often develop strong feelings about the inmate's claim. Students also search for new evidence, visit crime scenes and interview witnesses. Although there are some frustrating moments like difficulty in locating witnesses or their lack of memory once found, the students find this "hands on" experience to be a very worthwhile. Overall, past clinic students have really enjoyed their time in clinic and benefited from the experience of working on real cases.

MEDIATION CLINIC:

Six Hamline law students took their mediation skills from the classroom to the courtroom in fall, 2005.

The students, along with two student directors, mediated 35 cases in Ramsey County Housing Court and Ramsey County Conciliation Court. Parties reached mediated agreements in 21 of those 35 cases. The mediated cases included a variety of issues such as landlord tenant disputes, car accidents and breaches of contract.

"The clinic is a unique opportunity for students to mediate actual cases in a court setting," said **Patty Houser**, clinic student director. "The clinic is invaluable for anyone who wants to improve their mediation skills," said Houser.

During court, the students' main duties were mediating cases and writing mediation agreements. Students also gave speeches at the beginning of the court calendar inviting parties to try mediation. Additionally, students interacted with the referees and the court clerks.

Gail Prock, clinic student director, said "I think that these students were a positive

reflection of Hamline's ADR program. Their skills were excellent. They mediated cases from complex housing matters to emotional interpersonal disputes between neighbors and friends."

Each week, students discussed their cases during a classroom session. The weekly classroom session gave students a chance to learn from each other and to further develop their mediation skills.

Autumn Gould, student clinic member, said the mediation clinic has definitely given her more confidence in her own abilities. Gould said that one cannot compare simulated mediations with real-life mediations. "Situations come up in real-life cases that would never come up in simulated role plays," she said.

Rebekah McDonald, student clinic member, agreed that the clinic was a good experience. Everyday there was something different, said McDonald. She said that even if one mediated nothing but car accident cases, each case would be completely different.

Prock added, "I was impressed with the students' abilities to be patient with clients and also with their handling of some ethical issues that they were confronted with. I can say that this clinic was a constructive experience for all of us."

SMALL BUSINESS/NON-PROFIT CLINIC:

Drafting a profit-sharing contract, starting a social services program for immigrants, documenting an international college, and advocating for trademark protection were all tasks handled by Clinic students this past academic year.

The team of **Helkei Tinsley** and **Karen Williams** drafted articles of incorporation, bylaws, and portions of a tax exemption

application on behalf of an African immigrant to form his nonprofit to provide youth education, job training, and language skills to immigrants.

Working with Professor Ken Fox as their client, the team of **Helkei Tinsley** and **Ryan Gaulke** prepared an application for tax exemption on behalf of the College for Reconciliation and Development, a Hamline-originated project with campuses on the borders of Jordan, Israel, and the Palestinian Authority.

All four students filed appeal briefs and fielded questions from the federal Patent and Trademark Office on behalf of clients seeking legal protection for their trademarks.

“There is a rich mix of domestic and international business and charitable tasks which our students handle in this clinic,” said Supervising Attorney Cathryn Deal.

The team of **Nick Husnik** and **Ryan Gaulke** met with Macalester University Professor Mike Obsatz and his two students from Central High School, John Allen and Jack Revheim, to design a profit-sharing contract for future sales revenues from their original video about dealing with school bullying.



(from right to left) Teammates Nick Husnik and Ryan Gaulke meet with clients John Allen, Professor Mike Obsatz and Jack Revheim.

TRIAL PRACTICE CLINIC:

Fall 2004

Dan Key represented a non-English speaking employee who was terminated after missing work due to a family emergency in another country. Dan conducted a thorough investigation of his client’s case and took the extra time necessary to make sure his client felt comfortable at trial. Dan worked well with an interpreter. While the employee ultimately did not receive unemployment compensation benefits, he was extremely grateful for Dan’s long hours of preparation and vigorous advocacy at trial.

Ben Lang and **Barry McKee** represented a client who left her job after her doctor told her that her work environment was bad for her health. Initially denied benefits, the client was very nervous about the prospect of a trial. Ben and Barry put their client’s mind at ease by doing a thorough job of preparing their client and case. After the trial, the client reported that she could not have gone through the trial without the support and preparation of Ben and Barry. The client’s only regret was that Ben and Barry couldn’t handle all of her other legal issues too. The trial was a victory for the client who received all her benefits as the judge found she had good cause for quitting.

Scott Cory and **Uyen Tran** represented a client who was denied unemployment benefits. In order to prevail at trial, Scott and Uyen had to prove that their client had been able to work, was available to work and had actively been seeking work. Scott and Uyen’s diligence and extensive preparation paid large dividends at trial where the judge was persuaded that the client met her burden and was entitled to benefits.

Scott and **Uyen** also handled a case in which their client had been fired for misconduct.

According to the employer, the client claimed to have worked more hours than she actually had. Scott and Uyen worked tirelessly to develop the most effective way to present their case at trial. Despite the fact that the client was not awarded benefits at the trial level, Scott filed a professional, well written appeal to the representative of the commissioner.

Heather Sammons and **Mark Beters** prevailed in an extremely challenging case. Heather and Mark's client had been terminated for a variety of reasons- some of which were mentioned for the first time at trial! Another complicating factor in the case was the fact that Heather and Mark's client had some psychological and emotional problems. Preparing their case and client for trial took a great deal of time and patience. Ultimately, Heather and Mark's blend of sensitivity to their client, creativity in presenting their case and extensive preparation won benefits for their client. They proved she had a good reason in failing to accept employment due to illness and was not disqualified.

Spring 2005

Barry McKee 3L served as student director. He mentored the student teams in their trials and also worked on cases. Barry and **Katie Kasten**, 3L, won an unemployment compensation trial for a person who was fired for stealing a sandwich. They proved in trial that their client did not steal anything and was entitled to unemployment compensation.

Jennifer Homer, 2L, and **Sarah Worchel**, 3L, represented a person who believed that he would be laid off and so he took a better job to avoid the layoff. Unfortunately, he was laid off from the second job due to lack of business. The judge found that the first employer did nothing wrong. The students argued that the second job was covered

employment and therefore he should not be disqualified from benefits. **Barry McKee**, 3L, provided evidence that the second employer was "covered" employment under unemployment compensation rules and the client received over \$4,000 in back benefits.

Lisa Dailey, 3L, and **Matthew Fuller**, 3L, represented a client who argued she was fired because she was listed as a possible witness in another unemployment compensation hearing. The employer said she quit. The students argued and judge ruled that witness intimidation gives an employee good reason to quit as a matter of public policy. She was not disqualified from receiving benefits.

CLINIC STAFF:

Vickie Jauert has a B.A. in history from the University of Minnesota-Morris and is a current member of the UMM Alumni Association. She graduated summa cum laude on May 21, 2005 from Hamline University with a Master of Arts in Public Administration.

Vickie has been the Administrator of the Hamline University School of Law Clinic/Skills Program for 18 years. Vickie served two years as Administrative Staff Association Representative at Large to the University Council, and also served as Vice Chair of the ASA Executive Committee in 1998-1999 and Chair 1999-2000. She will serve in the Hamline University Ambassador Program for 2005-2006.

Prior to coming to Hamline, she worked as the Administrative Assistant for the State Bar of Texas, Board of Legal Specialization for 7 1/2 years.

Vickie and her husband Ron Allen have two children, John, 18 and Jason, 10. Their favorite past time activity is camping in Ely and fishing.

Karen Zimny is the Clinic Legal Secretary. She has a B.A. in Justice and Peace Studies from the University of St. Thomas and is currently pursuing her Paralegal Certificate from Hamline University. She runs competitively in distance races and also enjoys triathlons. She has an orange tabby cat named Dexter, and is engaged to be married to her fiancé Jay in May 2006.

Sara Ormseth is also a clinic student worker and is now a senior at Hamline University. She is a management major with a marketing concentration.