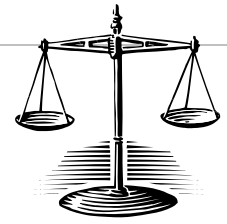


Clinic Happenings

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Hamline University School of Law Clinic, (651) 523-2898



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Clinics

Hamline University is proud to offer a variety of Law Clinics to provide practical experience for its students.

Students represent clients under the supervision of experienced in-house or adjunct faculty members.

In fall 2008, HUSL offered clinics in several areas of law. These clinics included: Child Advocacy, Employment Discrimination Mediation, Immigration Law, Innocence, Mediation, Small

Business/Non-profit, State Public Defender, and Trial Practice. In addition, Education Law and Health Law clinics are offered this Spring.

Students who participated in these clinics not only received credit towards their Juris Doctor, but they gained a wealth of knowledge in case management, learned lawyering skills, established contacts in the legal community and added valuable experience to

their resumes.

All clinics are 3 credits and require professional responsibility as a prerequisite or concurrent course.

In Fall 2009, the following clinics will be offered: Child Advocacy, Employment Discrimination Mediation Representation, Health Law, Immigration Law, Innocence, Mediation, Small Business/Non-Profit, State Public Defender and Trial Practice.

Student Directors

Students who have taken a clinic may enroll as Student Director for advanced experience with faculty permission, for 1, 2, or 3 credits.

Student Directors have the opportunity to work on more challenging cases. They work one-on-one with their supervising attorneys as they follow the course of the cases for which they are responsible.

Because Student Directors already have at least one semester of clinic experience, they are available to assist students taking the clinic for the first

time.

The relationship a Student Director builds with their Supervising Attorney can provide the student with references, networking and a trusted member of the bar to consult with in the future.

The advanced experience a Student Director receives will better prepare him or her for work in the legal field and solidify the legal education he or she receives at HUSL.

Thank you to, **Kimberley Woods, Sara Bongers, Tanya Rosin, Todd Tolkinen,**

Andrea Pittel, Amanda Anderson, Michael Cavallaro, Thomas Cuthbert, Stacey Langer, Kyle Fountain, Adrianne Mittelstaedt, Stephanie Johnson, Daniel Yates, Adam Flood and Natalie Runden, Student Directors for Fall 2008!

Congratulations to, **Bernard Gotmer, Kimberley Woods, Nguyen Khanh, Tanya Rosin, Joshua Casper, Janet Heuer, Daniel Kufus, Sarah Belz, Timothy Oujiri, Mark Backstrom, Robert Foley, Kyle Fountain, Michele Didier, Adam Flood,** and **Natalie Runden** Student Directors for Spring 2009!

Child Advocacy Clinic

The Child Advocacy Clinic is taught by Professor Mary Jo Hunter, who has recently been promoted to Clinical Professor of Law! Professor Hunter is also AALS Co-Chair of the Clinicians of Color Committee.

Students in the Child Advocacy Clinic advocate for children in a variety of cases and frequently have the opportunity to appear in Juvenile Court.

*"A person is a person,
no matter how small."*

-Dr. Suess



Ms. Woods and Ms. Bongers worked tirelessly on several complex cases, most notably, a third party custody case on behalf of a maternal grandmother seeking to gain custody of her pre-school grandchild. The two certified student attorneys logged many hours in research, drafting pleadings and appearing in Family Court. They were successful in obtaining a viable settlement for their client which served the best interests of the child involved.

Joe Gangelhoff and **Sara Lauthen** represented a Guardian ad Litem on an Indian Child Welfare Act case in Hennepin Juvenile Court. They also worked on behalf of an infant as her Guardian ad Litem. As student attorneys, they were capable and caring in their approach to their clinic cases. Joe is pictured below with another student, Kathleen Swertfeger and Prof. Hunter at the end of the semester festivities.

The **Student Directors** for the Fall 2008 semester of the Child Advocacy Clinic were **Kimberley Woods** and **Sara Bongers**.



Kimberly Woods and her Fiancé Jason



Riann Myer and Sara Bongers



Joe, Kathleen and Professor Hunter

Kathleen Swertfeger and **Eric Haley** worked as a team as Guardian ad Litem for three small children in Hennepin County. They were extremely capable at interviewing small children and working with the foster parents. They also represented GALs as clients while in the clinic. Eric is pictured below with his wife and child at the end of the semester party.



Eric & family

represent the best interests of children in a variety of cases. They represented GALs, handled a third-party custody case and worked as the GAL in cases. Ben is pictured below with his family and Riann is seen above with Sara Bongers.



Ben Gotmer & Family

All of the law students in the clinic provided a valuable service to the indigent clients that were served. They epitomize the commitment to public service of Hamline University School of Law.

Last, but not least, **Ben Gotmer** and **Riann Meyer**, worked together to

EDMR Clinic

The Employment Discrimination Mediation Representation Clinic is taught by Professor Joe Daly. This clinic takes advantage of collaboration between Hamline, the Equal Employment Opportunity Commission and the Minnesota Department of Human Rights. Students represent victims of alleged employment discrimination in cases where the EEOC and MN Dept. of Human Rights have offered early intervention mediation. The clinic complements theorizing in the classroom about redefining "winning" and "zealousness" by allowing students the opportunity to apply new visions of lawyering to clients' real problems.

The EDMR clinic students handled six cases in the Fall of 2008.

Nora Kaitfors and Ben Reber teamed up on three human rights cases before the EEOC. Their first case involved a national company and an African American employee. The employee, moved to Minneapolis, took a good job and found himself faced with fellow employees using the "N" word and saying things like "Why is that 'N' still here" and asking why, "Why aren't we getting rid of him?". Nora and Ben got him a significant money settlement and a letter of recommendation.

Their next case involved an African American woman who argued she was terminated as an assistant dog-groomer not because she naturally responded by pushing a biting dog away but because of her race. She got her job back as a pet stylist-a job which she loves- and was re-hired as a full time employee.

Finally, Nora and Ben obtained a significant financial settlement for their African-American client against a marketing researching firm because her supervisor made racist comments and became physically abusive. They also got the employer to agree to "Diversity Training" scheduled by the EEOC for all employees.

Rebekah Myer and Bradley Rajek had very tough and difficult cases out of the three they handled.

The first involved a client who alleged sexual harassment by her supervisor. The client, a member of Narcotic Anonymous, was asked such things as "Can I come to your house to get a back rub and massage?" "Are you ready for me?" The case didn't settle and the client was referred to a skilled human rights litigator.

Their second case involved a woman whose husband committed suicide because of the racial harassment she faced. The

facts were heart wrenching. Eventually the employer of the husband refused to mediate.

Their third case involved a woman who had ADHD, OCD and Depression who was terminated from her job government job. Because she was terminated, her husband, who suffered from terminal cancer, lost his health insurance. The case went back to the EEOC for further investigation.

Even though some of the cases did not settle each client had deep appreciation for the kind and professional way Brad, Ben, Rebekah and Nora represented them. These human rights cases take a heavy toll on both the clients and the law students. They are emotional, hard fought and difficult. The student attorneys come away with a keen understanding of the title "Counselor" and "Advocate" which all lawyers carry.

"Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality. . . . Whatever affects one person directly, affects all indirectly."

-Martin Luther King, Jr.

Health Law

The Health Law Clinic is being co-taught by Lindsay Davis and Sue Schaffer in Spring 2009.

This clinic offers students the opportunity to represent individuals who are parties in health law related administrative hearings. Clients may include persons with medical needs or disabilities who encounter barriers to their eligibility for health care.

This clinic also represents healthcare workers with licensing issues. Students in this clinic gain experience in interviewing, counseling and litigating these cases.

They also experience an exposure to the laws governing health care licensure, Medicaid eligibility and finance.

Lindsay Davis recently wrote an article in the William Mitchell College of Law Journal of Law and Practice. Her article is entitled "An Amicus Perspective on Recent Minnesota Criminal Expungement." The article can be found at: <http://lawandpractice.wmitchell.edu/journal/vol11/iss1/05/>

Immigration Law Clinic

For the Fall Semester of 2008, the Immigration Law Clinic was taught by Paula Schwartzbauer of the Legal Aid Society of Minneapolis. The students that participated in the clinic were **Justin Johnson** and **Leni Tupper**. The student director was **Tanya Rosin**.

The Immigration Law Clinic provides students with the opportunity to represent clients in a variety of immigration cases under the supervision of an experienced immigration practitioner. The Legal Aid Society of Minneapolis provides legal advice and representation to low-income clients. Students worked directly with clients on various cases including family-based petitions, adjustment of status to permanent residence, naturalization, Violence Against Women Act, visa processing, and removal proceedings.

The Immigration Law Clinic is a great opportunity for students to work with a diverse group of clients, as well as learn the intricacies of a complicated area of law

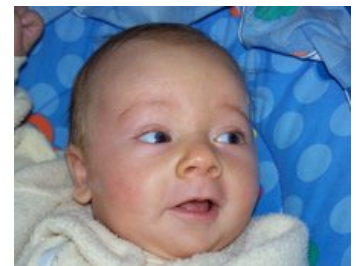
. Students assume responsibility for many aspects of case preparation, including interviewing clients, investigating facts, developing case strategies, writing motions, and conducting legal research. Students also had the opportunity to observe immigration hearings. The student director had the opportunity to represent clients in front of the Immigration Court.

Thank you to all the students who participated for their hard work!

Susan Jorgensen Flores of Immigrant Law Center of Minnesota is teaching the clinic in Spring 2009. Both Paula and Susan had beautiful babies this year. Congratulations!



Above: Daniel, Susan Jorgensen Flores' baby



Above: Beejan Daghigh. Paula Schwartzbauer baby

"Just to see that your clients are real people with real problems that just need some help was eye opening. It is nothing like what you see on TV. The gratitude that the clients have towards you and your willingness to work for them is also very rewarding,"

-Kyle Fountain

Innocence Clinic

The Innocence Clinic was taught by Adjunct Professors Michael Davis and John Riemer.

Students had the opportunity to investigate inmate claims of actual innocence to determine if there were any grounds for post-conviction relief. Investigation issues included concerns relating to eyewitness identification, false confessions,

snitches and informants, government misconduct, ineffective assistance of counsel, and forensic sciences.

Students obtained primary source material: police reports, forensic reports, court pleadings, transcripts, appellate briefs, and opinions.

Students conducted interviews with inmates and potential witnesses and had the opportunity

to assist Innocence Project volunteers, private investigators, forensic experts and attorneys in preparing claims of actual innocence.

Students participating in the Fall 2008 were **Anne Johnson, Elizabeth Jones, Adam Klotz, Emily Pelant, Keri Phillips, Nathan Bares, Joshua Casper, Daniel Kufus** and student directors **Andrea Pittel** and **Todd Tolkinen**.

Small Business/Non-Profit Clinic

This clinic is taught by Adjunct Professors Kim Lowe and Paul Jones from the Fredrikson law firm.

Students had the opportunity to provide legal advice to entrepreneurs in developing start-up businesses and to individuals working with tax exempt non-profits with non-litigation legal issues.

The students had the opportunity to work on cases at the Fredrikson law firm offices.

The legal issues involved included choice of form of ownership, compliance with federal and state regulatory requirements, contract drafting and reformation, lease requirements, scope of

insurance coverage, credit record adjustments, tax exemption procedures, and real and personal property transaction documentation.

Students participating in Fall 2008 were **Jonathon Kingsbury, Ross Oden, Jon Paulson** and **Kimberly Tennyson**.

State Public Defender

Students participating in the Fall 2008 Clinic were **Robert Foley, Stephanie Gallagher, Sarah Lundberg, Jennifer McEwen, Michael Prendergast, Brianna Sadler** and **Holly Tacheny**. The clinic was taught by Cathryn Middlebrook, James Peterson, and Richard Schmitz, attorneys at the State Public Defender Office. Also working at the clinic as student directors were **Kyle Fountain, Stephanie Johnson, Adrienne Mittelstaedt, Andrea Pittel,** and **Daniel Yates**.

The State Public Defender Clinic pairs students with attorneys who work at the State Public Defender Office. Students are given 4-7 actual client files to work on throughout the semester. These files are criminal cases at the appellate level. This semester the students toured prisons and conducted client interviews for the cases they were working on. Students also did research for the attorneys' appellate and post-conviction briefs, attended Minnesota

Appellate and Supreme Court oral arguments, worked on motions to get detainees removed for clients, to get additional jail credit for clients, and to correct sentences.

"Meditation brings wisdom; lack of mediation leaves ignorance. Know well what leads you forward and what hold you back, and choose the path that leads to wisdom."

-Buddha

Mediation Clinic

The Mediation Clinic was taught by Adjunct professor Jessica Kuchta-Miller.

The mediation clinic is an excellent opportunity to gain real life experience with mediation skills learned through Mediation coursework. Led by Jessica Kuchta-Miller, the students in the clinic offer their skills of mediation at Ramsey County Conciliation Court through the efforts of the Dispute Resolution Center. Students begin the semester observing student directors and slowly become more involved in the process. By the end of the semester, students are conducting mediations with those attending conciliation court and writing agreements that help clients to avoid judgments. Students participating in the Fall 2008 semester were **Sarah Belz, Katie Carlson, Ashley Rather** and **Jen Schwartzhoff**. Student directors for the fall semester were **Amanda Anderson, Michael Cavallaro, Thomas Cuthbert** and **Stacey Langer**. Participants for Spring 2009 are **Denise Lusby, Dylan Monteith, Jessica Mount-Fischer, MariJo Krier, Matt Heffron**. Student directors are **Tim Oujiri** and **Sarah Belz**.

The skills gained through the clinic have proven to promote the mediation process and allow students to hone their mediation skills, as was shown through the team work of, Mike Cavallaro and Sarah Belz in their efforts at the International Chamber of Commerce (ICC) Mediation Representation Competition in Paris, where they were awarded coveted internships for their

second place finish.

Before this competition Mike Cavallaro took the Mediation Clinic in Spring 2008 and was a Student Director in Fall 2008. Sarah Belz took the Mediation Clinic in Fall 2008 and is currently a Spring 2009 Student Director. As competition finalists, they were both awarded coveted internships this summer. Sarah will be interning at the ICC in Paris; Mike at the international law firm Clifford Chance. They were coached by Hamline law alumna and adjunct faculty member Jessica Kuchta-Miller, who accompanied them to the competition in Paris.

"This is an incredibly tough competition judged by the best lawyers and mediators in the world. I know Mike and Sarah were honored to have been selected as one of only eight American teams invited to participate in this prestigious competition," said Professor James Coben, director of Hamline's Dispute Resolution Institute. "So emerging as one of the two best teams in the entire international competition is an impressive accomplishment. We are extremely proud of them."

With a view towards training lawyers to better meet the dispute resolution needs of today's cross-cultural market, the competition gives students an opportunity to test their problem-solving skills in a moot international mediation. More than 85 legal experts with a diverse range of expertise participate as volunteer mediators and judges.

The competition consists of two parts; written and oral advocacy. During four days of preliminary rounds, competitors must apply ICC's Amicable Dispute Resolution (ADR) Rules to solve problems devised by a special drafting committee of international mediation experts. Student teams are divided into requesting party and responding party in mock mediation sessions, where team members act out the role of counsel and client before a mediator and two judges.

On the fifth day of the competition, quarter finals take place in the morning and semi-finals in the afternoon. Eight universities were selected to compete in the final. On the last day of the competition, February 12, the ICC International Court of Arbitration will host an Amicable Dispute Resolution Conference

Trial Practice Clinic

This clinic is taught by Clinical Professor and Director Angela McCaffrey. Students gained litigation experience conducting trials of unemployment compensation claims.

Christine Kuczynski and Adam Flood represented a claimant who was fired from a new job based upon perceived deficiencies in performance and attitude. In trial the claimant with the help of students and witnesses proved that the claimant actually had high regard for her employment and her behavior was not misconduct. She was found entitled to unemployment compensation insurance. More importantly, she was rehired by the employer and was thrilled by the outcome.

Emily Cramer and Michelle Didier represented a cook who was quit her job due to extreme uncleanliness of the restaurant kitchen which she contended was the fault of the employer.

Michelle and Emily did an excellent job researching and preparing for trial. They found the state health code standards for restaurants. Despite an excellent job in researching and preparing client for testimony, the claimant was found to have quit without a good cause attributable to the employer and found ineligible for unemployment benefits.

Christine Kuczynski and Natalie Runden represented a claimant in an administration position who had worked for a company for many years. She felt she was subjected to abuse and

harrasment after her domestic partner was hired temporarily. She was forced to fire her domestic partner. While she felt that she had experienced discrimination the judge did not find that she quit for a good cause to the employer. She did not receive unemployment benefits.

Emily Cramer and Michelle Didier represented a claimant who missed a substantial amount of work due to a child's serious medical issues. They received assistance from Susan Johnson 3L licensed private investigator. She generously spoke to the class about how to conduct investigations. The students requested subpoenas of phone records due to the conflict in testimony. These subpoenas were issued by the judge and the client was found not to have committed misconduct and thus eligible for unemployment compensation insurance.

Natalie Runden and Adam Flood were the student directors for the Trial Practice Clinic for Fall 08. they provided substantial help in the nuts and bolts of trial preparation and critique of theory development and moot court closing arguments. They also teamed up with a student for case work. Thanks Natalie and Adam!

Natalie Runden, Adam Flood and Michelle Didier are participating in the Spring 2009 clinic as directors.

Advanced Work by a Student Director of TCP Natalie Runden

For over a year, I have represented claimants, usually low-income wage workers, who have been denied unemployment benefits. As an advocate for these workers, it became increasingly frustrating to work with a system that seemed woefully ill-equipped to address these workers' needs. As a result, for the past six months I have been working with members from the Legal Services Advocacy Project researching necessary changes for the Unemployment Insurance program. The Unemployment Insurance program was first created through the Social Security Act of 1935 when the workforce was much less diverse. Although the workforce has become increasingly diverse, the eligibility requirements have not been updated since that time. As a result of "outmoded" eligibility requirements, there is an increasing gap in the safety net where those most in need of benefits are the people least likely to get those benefits.¹ In particular a lack of federal incentives has caused differing provisions in different states to give inadequate protection to low-wage workers, part-time workers, women workers, domestic violence survivors, and older workers in certain states. The Unemployment Insurance Modernization Act was originally introduced in the 110th Congress, but failed to receive enough votes to become law. The Act would have provided incentive payments to states to make reforms to include part-time workers as well as other workers who have traditionally fallen through the safety net.

Although the Act was not signed into law, then Senator Barack Obama supported the bill, and provisions of the Unemployment Insurance Modernization Act have been included in The American Recovery and Reinvestment Act of 2009. The bill provides financial incentives to states to adopt reforms to their Unemployment Insurance programs to make those programs more accessible to underrepresented workers. The recovery package also provides funding to improve inadequate administrative procedures in light of the increasing number of workers applying for benefits. Minnesota would have to adopt two reforms, less than many states, to qualify for the funding. According to the National Employment Law Project, the reforms will stimulate the economy because those most benefiting from the reforms are also those most likely to spend their benefits on basic necessities.² Whether these provisions will stimulate the economy and address the needs of these workers remains to be seen, but one thing is for sure, the Act is a step in the right direction.

¹ *Filling the Gaps in the Unemployment Safety Net*, National Employment Law Project, http://www.nelp.org/index.php/site/issues/category/Filling_the_Gaps_in_the_Unemployment_Safety_Net/ (last visited Feb. 28, 2009).

² *The Unemployment Insurance Modernization Act: Filling the Gaps in the Unemployment Safety Net While Stimulating the Economy*, National Employment Law Project, http://nelp.3cdn.net/be99b1d64d4a1110dc_cgm6b9tpk.pdf (last visited Feb. 28, 2009).

*"No matter how long
you practice or what
you do, there will
always be more to
learn and ways to
better yourself"*

Food for thought from life after Law School

The following is an excerpt from the blog of a Connecticut public defender:

Look, law school taught me a fair bit. I won't lie. It taught me that even grown-ups can get drunk and get in fights at local bars. It taught me that my fellow lawyer isn't much smarter than me and will one day become really famous. It taught me that you can fake your way through almost anything.

But here are ten things it didn't teach me:

1. Nobody ever uses the phrase "black letter law". Seriously. Lawyers who do use the phrase "black letter law" are usually laughed at by cliques of other lawyers. This is an invention of professors, I'm sure, meant to intimidate and harass poor first year students. Black letter law? Is that some Rules of Court book?
2. That you will forever be haunted by names of cases, but not remember a damn thing about the case itself. Who here can tell me about Helicopteros or International Shoe or Pennoyer or Dudley and Stephens? (Okay, that last one is really cool - it's about cannibalism). Wasn't there a Vana White case?
3. How to pick a jury.
4. There is no box. Law school professors keep telling you to think outside the box. What they don't tell you is that there is no

box.

5. That law review leads to document review. If you want to do real work, take a clinic or something.
6. Your clients will hate you. They will think they are smarter than you. They will try to tell you what to do.
7. How to deal with #6 above.
8. Most judges haven't practiced in a while, so forgive them if they make stuff up as they go along.
9. Caselaw and precedent may or may not mean much until you get to an appellate court. And even then...
10. Finally, no matter how long you practice or what you do, there will always be more to learn and ways to better yourself.

What have you not learned from law school?

Go to:

<http://apublicdefender.com/2008/12/10/10-things-i-didnt-learn-in-law-school/>

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Other Clinic News

**Adjunct professor Lilian
Ejebe Assists with
Development of Nigerian
Law Clinic**

Hamline Law Professor Angela McCaffrey, who directs the clinical law program at Hamline University School of Law, is lending support to an initiative aimed at establishing a law clinic in Nigeria. The initiative is the result of efforts by Lilian Ejebe, Southern Minnesota Regional Legal Services staff attorney and Hamline Clinical adjunct professor, who attended law school and worked as a magistrate in Nigeria before coming to Minnesota. In addition to support from Professor McCaffrey, the initiative also is backed by the Director of the Legal Aid Council of Nigeria, Nwaka Laetitia Akinlami.

The effort gained momentum recently when Ejebe presented a talk, "Promotion of Clinical Legal Education by the Legal Aid Council of Nigeria," at the Global Alliance for Justice Education (GAJE) Conference in December 2008. Conference participants, including Professor McCaffrey, provided feedback and recommendations to help move the initiative forward.

"We suggested looking at programs already in place, provided an understanding of the current level of legal services in Nigeria as well as the gaps, and made suggestions on how to structure programs that are professionally sound for law students while providing good representation to clients," said Professor

McCaffrey.

Professor McCaffrey also co-presented, along with Ann Juergens of William Mitchell College of Law, at the Global Alliance for Justice Education (GAJE) Conference at the Ateneo Law School and Human Rights Center in Manila, Philippines. The topic was "Effective Interviewing as a Tool for Justice," which addressed the need for finely developed listening skills by lawyers who are working with clients who have suffered injustice. The interactive presentation also included a discussion of best practices for interviewing that all law students need.

"We discussed the particular listening skills needed when lawyers interview people who have been traumatized, including suggestions from psychotherapy experts. Of particular interest was a role-playing exercise that allowed the group to role play interviewing a hypothetical client who had been the victim of human trafficking," noted Professor McCaffrey.

The event was the fifth worldwide GAJE-sponsored conference for the purpose of helping create and sustain legal education programs that promote justice -- a particularly challenging goal in many countries due to poverty and corruption.

Story reprinted from

http://law.hamline.edu/news/professor_mccaffrey_assists_development_nigerian_law_clinic.html



Above from left to right: Ann Juergens, William Mitchell College of Law, Professor Angela McCaffrey and adjunct professor Lilian Ejebe

Thanks to **Georgia Patrascu** for producing this newsletter.

Welcome to **Sue McBayer** new clinic secretary!