



Clinic Happenings

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Alternative Dispute Resolution Clinic

Erin Slavin and Anthony Easton struggled mightily with a tough adversary representing the employee in Mediation Clinic. It taught them that just because it's called "mediation" it doesn't mean it's easy. But in a claim, in which their client believed he was fired for his participation and testimony in a sexual harassment claim filed against his supervisor, they not only gave him the opportunity to get his job back in a community center doing what he loves, working with kids, but they also obtained \$12,000 in settlement.

Speaking of tough adversaries, **Tracy Reid-Selth** and **Brigida Payne** had several opportunities to move into the next step of a training program. At the mediation an offer was put on the table that he have a chance to do a different job at higher pay. But the client felt the higher paying job was not good for him. Even though they were not successful in settling the claim against the employer, Tracy and Brigida were able to help the entire family find social welfare help for some disabilities which existed within the family.

CHILD



ADVOCACY CLINIC Fall 2002 Stars!

The Child Advocacy Clinic had a small number of students this Fall. However, what they lacked in numbers, they made up for in motivation and spirit. What a group of tireless women!!

Jodi Furness, 3L, was the Student Director. **Jodi Furness** handled several complex cases during the course of the semester. She returned to complete a motion hearing in January. As the lawyer for the Guardian Ad Litem, she requested and won a protective order to seal her client's records within a Child In Need of Protection or Services (CHIPS) case in Hennepin County. Her pleadings persuaded the Judge long before the actual hearing!! She can write and she can argue!! Jodi Furness will make an excellent child advocate.

Not to be outdone, **Lyndsay Haller**, 2L, returned to appear at a Pre-Trial conference on a case which she had been working on throughout the fall semester. She is working as the Guardian Ad Litem for three children. Unfortunately, one of the

children's placements "disrupted" and he has been placed in a relative's home out state. Lyndsay continues to provide advocacy for him and his siblings' best interests.

Michelle Basham, 2L, represented a child on a social security disability appeal. She spent many hours researching and writing his appeal. As of press time, we have not received a decision. Whatever the outcome, Ms. Basham provided quality legal representation to this child.

The "Indian Jodi" as she affectionately came to be known within our clinic class, **Jodi Stark**, 2L, successfully represented a teenager on a delinquency matter. Her client had been charged with disorderly conduct although he was the victim of an assault. Ms. Stark was able to persuade the prosecutor to agree that her client's charge would be continued for six months and dismissed if there were no same or similar charges within that time. Her client was appreciative of her efforts!

Last, but definitely not least, **Holly Wood**, 3L, successfully represented another teenaged male at a motion hearing to have him returned to reside with his mother. The young man had been placed at a shelter. Ms. Wood prepared for the motion hearing and was ready! This STAR can really think on her feet!!

The above cases only represent a fraction of the work that the Certified Student Attorneys (CSA) completed during the Fall 2002 semester. Like any law office, the CSA's formed a collegial bond and celebrated the semester's end at Chang O'Hara's. It's not all about work...there is always time to play a little. Jodi Furness drafted a motion for the event and we all had a great time!

Innocence Clinic

The need for quality post-conviction representation is well documented. Although the Supreme Court has declared that inmates have no right to counsel

beyond the initial appellate process, studies have shown that inmates cannot reasonably represent themselves. Over the past ten years, innocence projects have been involved in 123 post-conviction exonerations of innocent people who had exhausted their right to counsel. Although the primary goal for innocence projects is the post-conviction representation of innocent people, innocence projects have also contributed to fulfilling the need for practical legal education.

This past Fall, IPMN collaborated with Hamline University School of Law to start the first Innocence Clinic in Minnesota. Under the supervision of IPMN board member Michael C. Davis, students are actively investigating inmates' claims' of innocence. Students meet two hours weekly with Mr. Davis and each semester they are required to spend an additional one hundred hours outside of class working on cases.

Last semester students spent those hours corresponding with inmates, interviewing witnesses, meeting and talking with prosecutors, defense attorneys and police officers. Some students had the opportunity to travel with Davis to interview an inmate about his claim. Students also attend a weekly course titled "Wrongful Convictions," taught by IPMN board member, Sarah Aho. Plans are currently underway to expand the Innocence Clinic to the other Minnesota law school campuses. Innocence clinics are here to stay for two fundamental reasons.

First, law students will continue to need the skills training provided by these projects. Second, even with the advent of DNA and improvements in the criminal justice system, the frailties of human decision-making will continue to result in innocent people being wrongfully convicted. With over 200 law schools in America, there is a tremendous opportunity to expand the work of the projects and for the projects to

work cooperatively in forging changes in the criminal justice system that will decrease the number of wrongful convictions while providing much needed representation.

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Mediation

What dedication to the Mediation clinic Jessica Kuchta-Miller has a new baby and still comes in to teach!! A warm welcome to Jessica's new daughter!!

Small Business/Non-Profit Clinic

Abul Sharah's non-profit organization was incorporated by **Paul McCreight** and **Molly Gordon** in the Small Business/Non-Profit clinic. He established a medical clinic for poor persons in villages of Uttan Pradesh, India.

On December 18, 2002, the clinic launched a vaccination and nutrition program for children and pregnant women. Many of the children appear to be protein deficient. They are receiving protein supplements and vitamin A. The medical clinic also provides protein, folic acid, iron, calcium, and multivitamins to pregnant women and breast-feeding mothers.

On the vaccination front, the clinic provides polio, BCG, DPT, TT and measles shots. Polio is a critical problem in India, particularly in the state Sharah's clinic is located in. January 5, 2003, was a polio eradication day in India. Prior to launching the vaccination project, the clinic engaged the services of the village drummer to announce the program and invite people to get vaccinated. The advertising worked well as the medical clinic vaccinated 387 children for polio in three days (January 5-7, 2003).

Trial Practice Clinic

Ann Bottolene represented a claimant at an unemployment compensation hearing. The client was pregnant and had

been attacked in the workplace by a coworker. She defended herself, creating quite a ruckus, and was fired. **Ann Bottolene** proved that the claimant acted in self-defense. The judge determined that the applicant's self-defense was not misconduct in the workplace, and therefore she was not disqualified from unemployment benefits.

Michelle Willert and Darielle

Dannen represented a claimant at an unemployment compensation hearing. The claimant asked her employer for a two month leave to visit her relatives in her country of birth and take a vacation. The employer agreed. When the claimant returned, the employer told her there was no work. The issue at trial was whether she quit or was discharged. Since she had been granted a leave of absence and was told there was no work when she returned, the judge ruled that she was discharged for reasons other than misconduct and was, therefore, not disqualified from unemployment benefits.

Dan Posanski and Brandon

Brunner represented a claimant in an unemployment compensation hearing. The applicant was fired for leaving work early on a few occasions, arriving late once, and having poor quality in his work product. Dan and Brandon proved that the claimant had visual problems that resulted in poor performance. The judge held that poor performance due to inability is not misconduct. The employer wanted the applicant to schedule time off with advance notice. Dan and Brandon proved the applicant believed he had permission each time he left, but due to language differences and the failure of the employer to use a Somali interpreter in the workplace, confusion existed. The judge held that, due to the language differences, there was insufficient evidence to prove the claimant understood and willfully violated the employer's time off policy. He was found eligible for unemployment compensation benefits.

Brandon Brunner, Dan Posanski, Darielle Dannen, and Michelle Willert represented claimants in need of the assistance of Spanish and Somali interpreters with unemployment compensation hearings. In the process of that representation, they discovered significant gaps in adequate language access within the Department of Economic Security's procedures for unemployment compensation claimants who are not fluent in English. Darielle Dannen invited Abigail Turner, Litigation Director of Central Minnesota Legal Service, to discuss the civil rights issues involved in language access problems. Michelle Willert and Darielle Dannen will follow up on these issues in spring semester 2003 as student directors.

Clinic Student Directors

Every semester, a Clinic Student Director is carefully chosen by the Clinic Supervising Attorney to assist the Clinic Supervisors with each clinic. This assignment is for course credit without classroom work. A student elects to accept the Student Director position for 1, 2 or 3 credits. The Student Director is expected to devote minimum of 45 hour per credit to client representation and The supervisors and staff of the HUSL Clinic appreciate the efforts of our Student Directors!

supervision/collaboration with other clinic students as assigned by the clinic supervisor. Students are selected from those who have completed a clinic course. In addition, Professional Responsibility is required. Student Directors are frequently assigned the ongoing, complex cases.

Student Directors assist other students in the clinic with advice, carry their own caseload and other tasks pertinent to the clinic. For example, the Child Advocacy Clinic Student Directors often make court appearances without being accompanied by the Clinic Supervisor as allowed by the Student Practice Rules. Being a Student Director is an additional opportunity for extensive practical experience.

The Student Directors for the Spring 2003 semester are as follows:

Christina Adams, Mediation Clinic
Darielle Dannen, Trial Practice Clinic
Tanya Dugree-Pearson, Innocence Clinic
Barbara Frick, ADR Clinic
Lyndsay Haller, Child Advocacy Clinic
Amy Hart, Mediation Clinic
Jessica McKinney, Innocence Clinic
Michelle Willert, Trial Practice Clinic

Hamline University School of Law Clinic Newsletter

The newsletter is an informational document published on a semester basis to showcase certain cases handled by the law students in the various clinics. The brainchild of Prof. Hunter, the newsletter is a recent addition to the duties of the Clinic Legal Secretary Jennifer Libra. Jennifer Libra is the editor. She welcomes articles from the staff and students of the clinics. The newsletter does not reflect any opinions or views of Hamline University School of Law. The information in the newsletter does not reflect the views or opinions of any individual person in the clinic. It is simply a cross-sectional view of the legal work of the students and supervising attorneys of the clinic. For additional information, contact Jennifer Libra at Jlibra@gw.hamline.edu.

**Some fun in the clinic
Open house pics**

