
CLINIC HAPPENINGS

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Spring and Fall 2007 In Review

CHILD ADVOCACY FALL '07

The seven law students who were enrolled in the fall 2007 Clinic celebrated the end of the semester by going to Buca's for an early dinner. **Katrina Kaiser**, Clinic Legal Secretary, also joined in the festivities.



Top Row from Left: Kate Murtaugh, Betsey Lund, Victoria Mucha, Katrina Kaiser, and Shauna Holt.

Bottom Row from Left: Robyn Hazlett, Sara Bongers, Rusty Hardeman, and Professor Mary Jo Hunter.

Sara Bongers and **Rusty Hardeman** teamed to represent three girls as their Guardian ad Litem for the fall semester. In another case, they represented a grandmother seeking custody of her autistic grandson in family court. Additionally, they represented a youth in a Child In Need of Protection/Services (CHIPS) case; a teen girl on a runaway citation and a Guardian ad Litem on an Indian Child Welfare Act (ICWA) case. **Sara Bongers** was selected to be the Student Director for the spring 2008 Child

Advocacy Clinic because of her skills and dedication.

Victoria Mucha and **Betsey Lund** also represented three children as their Guardian ad Litem in a case stemming from the mother's harsh treatment of the eldest child. Additionally, they represented a young man in a school expulsion case in Anoka County as well as a young man with a juvenile delinquency offense, a Guardian ad Litem and another child in CHIPS.

Shauna Holt and **Kate Murtaugh** represented a Guardian ad Litem on an ICWA matter as well as working as the Guardian ad Litem for a 3 year old awaiting adoption. They looked at taking on a family law appeal and learned that Professional Responsibility protects both the client and the attorney as they withdrew from that representation effort.

Last, but definitely not least, **Robyn Hazlett** worked alone on several cases. She represented Guardian ad Litem and began the representation of grandparents on a third party custody matter in family court. In addition, she represented a young man with a juvenile traffic offense.

The law students logged more than 500 hours working on behalf of their clients! They deserved to celebrate their hard work on behalf of low-income and disadvantaged clients!

EDUCATION LAW CLINIC
SPRING '07

Students in the Spring '07 Education Law Clinic worked on cases through the Education Law Advocacy Project (ELAP), of Southern Minnesota Regional Legal Services Inc., under the supervision of **Lilian Ejebe**. ELAP provides students with a unique opportunity to participate in cases involving a variety of school-related issues and to organize community outreach activities.

Several of the cases assigned to students involved special education issues.

Laura Haske wrote a complaint on behalf of a client who had previously qualified for special education services, but was later disqualified by the school to which he transferred. The complaint resulted in a settlement with the school district. The district paid for an Independent Education Evaluation of the student and provided home-bound services.

In another case, **Bekah Haines** assisted a student requesting a school transfer. The family had moved during the middle of the semester resulting in a longer bus ride to the original school. After reviewing the school records and discussions with the principal, Bekah was able to inform the family of the options available to the child.

Amy Schepers worked on a case involving a nineteen-year-old student who was placed on a reduced school schedule after being excessively absent from school. The student was unable to make academic progress within this schedule and wanted to be back in school full-time. Amy informed the

school board that ELAP viewed the reduced-time schedule as a de-facto expulsion in violation of the student's educational rights. The school board agreed to allow the student back into school full-time.

Clinic students also organized several community outreach activities, including an Informational session on the No Child Left Behind Act (NCLB) for Somali parents in Mankato. The Somali community invited clinic students to speak about NCLB because several schools in Mankato failed to meet their Annual Yearly Progress required under the act. A clinic student also spoke and took questions at a women's shelter concerning ELAP and the services it offers to families.



From Left: Laura Haske, Lilian Ejebe, Lul Ahmed, Hli Xooj, and Amy Schepers.

Along with reviewing a child's Individual Education Plan to determine whether or not the school was addressing the student's special education needs, **Andrew Wishnia** met with a family and developed legal and non-legal options available to a child who was being bullied and harassed in school by some of his peers.

Hli Xyooj worked on three separate cases involving students who were suspended and were facing expulsion

hearings for violating the districts' weapon policies. Hli worked with principals and staffs at all three schools which resulted in no expulsions for the three students. The first student was allowed to attend another school in his district and finish up his credits for graduation. He was able to walk with his class on commencement day. The second student was transferred to another school in his district. The third student obtained an expedited assessment that qualified him for special education services and he was reinstated in school.

IMMIGRATION LAW CLINIC **FALL '07**

Paula Schwartzbauer returned to co-teach the immigration law clinic with adjunct professor **Susan Jorgensen Flores** of the Immigrant Law Center of Minnesota, thereby allowing four additional students to come off of the waitlist and take the clinic. Paula Schwartzbauer started the immigration law clinic in 2002, when she supervised the immigration unit of Centro Legal, Inc. She is now working in the immigration unit of the Legal Aid Society of Minneapolis.

The eight law students who participated in the clinic this fall were **Chelsea Hanson, Jonathan Hendricks, Amanda Lee, Sophie Mills, Khanh Nguyen, Deepa Patel, Aneta Toporowska** and **Andrew Wishnia**. **Heather Willy**, a Hamline paralegal student also took the clinic as an independent study course.

Chelsea Hanson and **Andrew Wishnia** worked on the case of a Hmong refugee from Laos who wants to apply for

permanent residence. They also represented an Iraqi refugee who wants to apply to become a United States citizen. His case was more complicated because he could not learn the civics and history questions required to become a citizen because he suffers from post traumatic stress disorder. For that reason, he was required to file a waiver completed by a doctor proving he cannot learn due to a disability. **Andrew** and **Chelsea** also assisted the wife of a United States citizen who is in removal proceedings before an immigration judge. They represented her at her first hearing, filed a brief with the judge and submitted the application with Citizenship and Immigration Services which is necessary before the client can apply for permanent residence.

Deepa Patel and **Aneta Toporowska** also represented the wife of a United States citizen who is the mother of seven United States citizen children and is applying for permanent residence in removal proceedings before an immigration judge. **Aneta** handled her first hearing and in addition to working on the case during the clinic, **Deepa** and **Aneta** may continue to represent the client at her final hearing despite the fact that the clinic has now ended. **Deepa** and **Aneta** assisted a woman whose case is on appeal at the Board of Immigration Appeals who wants to remand her case to the immigration judge so that she can apply for permanent residence. In addition, they worked on the case of a woman hoping to remove her conditions on the residency she gained through her ex-husband due to the fact that she married in good faith, suffered some mental abuse at the hands of her ex-husband and will suffer extreme hardship if she has to leave the country.

She now has three United States citizen children.

INNOCENCE CLINIC SPRING '07

Innocence Project of Minnesota Case Leads to Release of Innocent Man:
Hamline Innocence Clinic Provides Crucial Support for the 10-year effort.

Sherman Townsend was imprisoned for more than ten years for a crime he did not commit. Years ago he convinced lawyers, professors and law students working with the Innocence Project of Minnesota of his innocence, but they could not find a way to prove it. Earlier this year the true perpetrator contacted them admitting his guilt and giving a candid, detailed and chilling account of what transpired the night that changed Mr. Townsend's life. On October 2, 2007 Sherman Townsend walked out of prison a free man.

Julie A. Jonas, Innocence Project staff attorney, prepared the court pleadings with assistance from **Michael Davis**, adjunct clinical faculty member. Students in the weekday Innocence Clinic at Hamline worked on this case, including students in the Spring 2007 clinic. Sherman's case was a frequent topic of discussion during class time.

Two students deserve special credit: **Jessica McKinney**, and **Tonya Dugree** (formerly **Tonya Dugree-Pearson**). Jessica and Tonya met with Sherman at least twice at the prison, interviewed possible new witnesses, tracked down promising leads, located and interviewed trial counsel to get his insights on the case, examined the court record and

court exhibits, and never doubted his innocence.

Professor Michael Davis stated, "Over the years, I've used a variation of Sherman's case as a teaching exercise. The case presents many of the common causes of wrongful convictions: mistaken identification, false accusations, poor police work, statements of an accused that are misconstrued as an indirect confession, and the emergence of new forensic techniques by which to prove actual innocence."

"That David Jones - the only witness who claimed that Sherman committed the crime - turned out to be the person who actually committed the crime is a real eye opener. Students and I always believed that his identification of Sherman was both mistaken and false; he was not, however, high on our list of suspects. Jones' detailed account of how he broke into the house is a stark reminder that all of us need to ask, constantly, whether all possibilities are being considered, and whether anything is being overlooked," **Davis** added.

Established in 2002, Innocence Project of Minnesota (IPMN) is a private, volunteer based, non-profit organization that provides pro bono investigative and legal assistance to prisoners trying to prove their innocence. IPMN investigates potential claims of wrongful conviction from prisoners convicted of crimes in Minnesota, North Dakota, and South Dakota. In affiliation with, IPMN uses the resources of Hamline University's College of Liberal Arts and the School of Law, including office space, administrative support, forensic science experts, faculty, and students.

IPMN's first course offering, "Wrongful Convictions: Causes and Remedies" began at Hamline University. The first Minnesota Innocence Clinic was also established at Hamline.

TRIAL PRACTICE CLINIC
SPRING 2007

Rachel Greelis and **Amy Thompson** represented a person who was working for a temporary employment agency. He had told the agency he traveled by bus and needed one day's notice for assignments. He was called at 9:00am for an assignment to begin one hour earlier at 8:00am. He declined the assignment. He did not have money for the bus and his roommate had already gone to work. He applied for unemployment benefits. The agency claimed he should be denied for failing to accept suitable employment. He testified at trial that he was surprised by a same day call since he had asked for twenty-four hours notice. He testified that he would make sure he always had bus money available in the future.

Rachel and **Amy** argued that he should not be denied unemployment benefits as the half day offer of employment one hour into the shift was not suitable employment. Additionally, he was not give adequate notice. The hearing officer agreed and he received benefits.

Mike Rogosheske and **Ted Warpinski** represented a health care worker who was alleged to have violated several standard operating procedures. **Mike** and **Ted** argued that the health care agency had not proven these allegations. The hearing officer agreed, particularly in light of the fact that the employer failed to show up for the hearing and the client received benefits.

Mark Mrnak and **Maria Maier** represented a factory worker. He was heading outside for a break when the red light went on. He was supposed to be searched before leaving so he chose to skip his 10 minute break due to the time it took to be searched. He was fired for failing to follow this policy. Mark and Maria argued that he had not committed misconduct. The employer did not suspect theft; they just wanted their policies followed. The judge ruled that the worker had committed a single isolated incident with no adverse effect on the employer and therefore he was entitled to unemployment benefits.