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SOUTHWESTERN LAW SCHOOL

# Clinics: Experiential Learning that Serves the Greater Good

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Southwestern's clinics offer unique opportunities for students to learn the art of lawyering while providing vital services to the community

# Clinical

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Southwestern has long recognized that a well-rounded legal education must include both theoretical instruction and real-world experience—the latter increasingly essential in today's changing legal landscape.

The opportunities to gain hands-on experience at Southwestern are as diverse as the student body itself, since many of the practical-skills programs can be customized to each student's interests and goals. These options include expansive clinical and externship programs and an array of practicums that provide training in legal research, brief writing, client relations, negotiation and oral argument.

Students who participate in the school's six clinics—Children's Rights, Immigration Law, Street Law, Youth Offender Parole Hearing, Appellate Litigation, and Entertainment and the Arts—acquire essential legal skills while contributing much-needed services to the community. From helping a victim of domestic violence obtain legal residency in the United States to representing a homeless youngster facing expulsion from public school on questionable charges, to ensuring that a teenager who is about to “age out” of the foster care system successfully transitions to adulthood, Southwestern students regularly perform vital public service.

In these pages, *SW Law* looks at how four of the law school's clinics continue to make a difference in the world, one client—and one law student—at a time.



In the Youth Offender Parole Hearing Clinic, Lindsey Hay '16, right, worked with Professor Beth Caldwell, left, to give deserving parolees a second chance.

# Perspectives

## THE IMMIGRATION LAW CLINIC

Rosa, a young woman from El Salvador, was just a child when she witnessed a horrific crime: the murder of her mother by her father. Rosa and her two younger siblings lived with their parents in South Los Angeles and had seen their father become violent before. But on this day, when their father came into the house drunk and started yelling at their mother, the situation escalated tragically. He wanted to show off his gun and army jacket to his friends, and became angry when she could not find his jacket. He grabbed her by the hair and put the gun to her head. The children's mother cried for him not to kill her in front of them. The father dragged her to their bedroom and shot her. Rosa's childhood ended that day, when she lost both her parents.

Eventually caught by the police, Rosa's father was convicted of murder and sentenced to 20 years to life in prison. Rosa became the mother-figure for her younger siblings and devoted herself to caring for them. She started working as a teenager, supporting her siblings over the years, at one point becoming the guardian of her younger sister. In the meantime, she graduated high school with honors and Advanced Placement credits, but had to put her college plans on hold so she could support her family, often working two jobs. However,

her legal status in the United States remained an issue; she had obtained a temporary work permit but needed a longer-term plan.

Enter Southwestern's Immigration Law Clinic. Started by Professor Andrea Ramos in 2009, the clinic works with children and adults on a variety of immigration matters, including cases involving Special Immigrant Juvenile Status and U Visa cases in which clients who have been abused, neglected or abandoned, or have been victims of a crime are eligible for immigration relief. It was this last category that Professor Ramos and her students felt would apply to Rosa.

The U Visa regulations had been published in late 2007 and there were gray areas in the definition of a victim. "I did not know if Rosa would be eligible for a U Visa because she had been a bystander to a crime, and the indirect victim category had vague age requirements. At that time, the indirect victim definition had not yet been tested by advocates, and U.S. Citizenship and Immigration Service (USCIS) had stated it did not anticipate approving a significant number of bystander cases," Professor Ramos says.

The first time that clinic students worked with Rosa was on her U Visa in 2009; four years later, another group of students worked on her lawful permanent residency papers. In both situations, students conducted

one-on-one interviews, gathered evidence, wrote declarations and learned to explain the law in a client-friendly manner.

"The clinic experience is a way for students to develop across-the-board lawyering skills," says Professor Ramos. "They experience the gamut of professional representation, from interviewing and counseling clients, to conducting investigations and analyzing cases. By the end of the semester, they are practice ready." About 26 students participate in the Immigration Law Clinic each year.

One such student was Tracy McCollom Bordignon '09, who was assigned to work with Rosa on her U Visa. Bordignon was a trailblazing student, handling the clinic's first U Visa case. "The clinic was the highlight of law school for me," says Bordignon, who now works for FTI Consulting in Mi-



Professor Andrea Ramos, left, started the Immigration Law Clinic in 2009 to help clients like Rosa, right, with a variety of immigration matters.



ami and volunteered with the Florida Immigrant Advocacy Center. “Rosa was very strong and well composed, and was taking care of everyone in her family. She had survived so much and was someone I truly admired. That she gave me her trust still means so much to me today.”

Bordignon obtained criminal court records and hearing transcripts for the murder case against Rosa’s father. She interviewed Rosa and wrote her declaration, which Bordignon recalls as the most emotionally demanding part of the process. “I had to take all the details of what happened to Rosa,” she says, “and translate them for consideration by the immigration authorities.” Bordignon also prepared Rosa’s waiver application, arguing that she should be allowed to stay in the U.S. because of her strong ties to the community and the hardship she would suffer if she returned to El Salvador with no family support. The application was successful, and Rosa received her U Visa from the USCIS.

“Tracy did a fantastic job,” says Professor Ramos, who re-introduced Rosa to a new group of students three years later, when Rosa was eligible to apply for lawful permanent residency. Led by the efforts of Ezequiel Gutierrez LL.M ’13 and Erik Espinoza ’14, the clinic achieved an-

other victory when Rosa was granted her green card in April 2014.

“I will always be grateful to Professor Ramos and her students,” says Rosa, who today works full-time as the store manager for an auto parts retailer. “They were always on top of it and followed up on everything.”

Professor Ramos observes, “It’s impossible not to admire Rosa—for her strength and resilience, and for not letting a crime define her. I am forever grateful for being a part of her life.”

## THE YOUTH OFFENDER PAROLE HEARING CLINIC

In 2013, when California passed SB 260, the law establishing a new parole process for offenders who were under the age of 18 at the time of their crime, Professor Beth Caldwell saw promising clinical opportunities for Southwestern students. She thought they might be able to help these youth offenders get a second chance.

“I was excited to work on these cases,” Professor Caldwell says, “because I think SB 260 is a positive step in the legal arena, and creates new opportunities to counteract many of the lengthy sentences given to youth.” To qualify for a parole hear-

ing under the new law, an offender must have been convicted 15 to 25 years ago for a crime committed when he or she was under 18. In addition, potential parolees must show evidence of remorse and a commitment to making a positive contribution to society.

Professor Caldwell launched the clinic in the Fall of 2014, with three students in her class. Each student was assigned a client in a Southern California prison. Lindsey Hay ’16 was given the case of Mi Truong Nguyen, a 32-year-old man who had spent the past 16 years in prison.

Raised by hard-working immigrant Vietnamese parents who had little time to supervise their children, Nguyen made the mistake of joining a street gang. When he was 16, he was recruited by other gang members to participate in a robbery and was handed a gun. They went to a sewing factory in El Monte, California, and demanded money and jewelry of the 26 people present; no one was injured. Though he had no violent criminal history before this offense, he was arrested and sentenced to 35 years in prison.

Hay corresponded with Nguyen and obtained relevant documentation in order to prepare a brief. The more she learned, the more she was convinced that “Mi Nguyen is exactly the kind of offender that SB 260 was designed to address,” she says. During his time in prison, Nguyen learned how to read, earned his G.E.D. and enrolled in college classes.

In her brief, which she submitted to the California Board of Parole Hearings in January 2015, Hay wrote that Nguyen “was an adolescent at risk who made a series of terrible decisions without any thought to the

“Here was a person whose life we changed forever. And it was life-changing for me, too, because it was something that really mattered.”

—LINDSEY HAY '16

consequences. In the subsequent 16 years of his incarceration, Mi has matured emotionally and intellectually. He feels deep remorse for his youthful mistake and is now an adult, ready to begin life as a lawful and contributing member of his family and society.”

A month later, the Parole Board agreed to grant Nguyen a parole date. He was released from prison last summer and moved to a transitional housing program in Los Angeles. Hay remembers being elated when she learned the news. “This was the first time I did anything with a real-life application, and the success we had was the icing on the cake,” she says. “Here was a person whose life we changed forever. And it was life-changing for me, too, because it was something that really mattered.”

Professor Caldwell agrees. “The experience students like Lindsay can get through this clinic—advocating on an offender’s behalf and actually earning someone’s freedom—well, that’s what being a lawyer is all about.”

## THE STREET LAW CLINIC

The fun part of law school is finding ways to help others,” says Ashley Williams '17, a student in Southwestern’s evening program. “That’s why the clinics are great. You

get to see how the law applies in practice, not just theory.”

In the spring of 2015, Williams participated in the Street Law Clinic, in which students teach law-related life skills to Los Angeles youth, most of whom are involved in the dependency or delinquency system. Implemented and directed by Professor Laura Cohen since 2006, the clinic does not offer client representation; instead, its mission is to provide information, resources and tools that help court-involved youth make a successful transition to adulthood. “My students are passionate about helping youth and making a difference in our community,” Professor Cohen says. “As Street Law teachers, they, too, come away with a better understanding of the law and develop skills such as the ability to think on their feet, while experiencing the satisfaction of having helped others know their rights.”

Nathalie Meza Contreras '17 concurs and adds, “I have learned to incorporate activities that are suitable for students’ different learning styles. This experience has also helped me grasp the concepts that I have been learning in my classes in a different way and see the real-world impact on people’s

daily lives.”

Approximately 25 Southwestern students participate in the Street Law Clinic each year. As part of the program, they visit Children’s Court and Delinquency Court, where they meet lawyers and judges in the field. Many graduates from the clinic who are inspired by the experience go on to work as attorneys helping families involved with the Juvenile Court.

Williams was assigned to teach a small group of high school seniors at Vista School, on site at Vista Del Mar Child and Family Services. During the 10 weeks that she worked with them, Williams helped the students understand their legal rights and provided information relating to housing, education and employment, including a personalized resource binder for each student. The Vista School serves children who need support with a range of cognitive, behavioral and social challenges. “It worked out well

Street Law Clinic students Nathalie Meza Contreras and Darris Upton-Stuart at the Vista del Mar campus





Ashley Williams '17, who grew up in the foster care system, has become a role model for at-risk youth in the Street Law Clinic.

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—DEAN JULIE WATERSTONE

for me to teach here because I come from the same background as they do,” Williams says. This is the tenth year that Southwestern clinic students have been teaching at Vista.

The Vista del Mar students see the Southwestern students as mentors who offer empowering guidance and legal information. “The Street Law Clinic students make such a difference to our kids,” says Danielle Aranda-Harris, Assistant Principal of the high school. “The law students give our kids confidence in their abilities to navigate the world, so that once they leave here, the world is not such a scary place.”

“My Vista students are resilient,” Contreras explains. “While they have all faced adversity, they continue to be positive, and I am happy to see they are hopeful about their futures and that we can help them take the steps needed to accomplish their goals.”

## CHILDREN’S RIGHTS CLINIC

Launched by Associate Dean Julie Waterstone in 2008, the Children’s Rights Clinic gives law students the opportunity to represent children from birth to age 22 from low-income families in Los Angeles county. The clinic focuses on two principal areas of children’s rights: helping children with special needs get the support and access they need

to receive an education, and ensuring that students who have been subjected to school discipline—such as suspension or expulsion—know their rights and have representation at hearings.

“Children are among the most vulnerable people in our society,” Dean Waterstone says. “By being their advocate, we help give them a voice.” The clinic also helps to stop the “school-to-prison pipeline,” which the American Civil Liberties Union defines as “the policies and practices that push our nation’s schoolchildren, especially our most at-risk children, out of classrooms and into the juvenile and criminal justice systems.”

By representing these children, law students in the clinic have the opportunity to get hands-on lawyering experience, including interviewing, counseling, negotiating, researching, writing, oral advocacy and trial practice. Some 28 students participate in the clinic each year, and each one is assigned to cases that have been carefully vetted by the professors. In addition to the practical skills that students gain, Dean Waterstone says she wants the program to “ignite in students a fire for public interest law and pro bono work.”

This was certainly the case with Devan Brothers ’16, who

participated in the clinic under the supervision of Professor Jenny Rodriguez-Fee. Brothers, who had experience in social work before attending law school, says that her clinic experience was invaluable in that it helped to demystify what real-world legal practice entails.

Professor Laura Dym Cohen, the Director of the Street Law Clinic, is also the Director of the Public Service Program at Southwestern. In addition, she is involved with the Children’s Law Center Year-Long Program and the Los Angeles Incubator Program.



Dean Julie Waterstone (center) launched the Children's Rights Clinic to provide legal support to children from low-income families.



Brothers and classmate Michael Carwin were assigned to represent a 14-year-old boy, from a previously homeless family, who had been expelled from a high school in Los Angeles. The boy (referred to as “K”) was charged with initiating a fight with other students during his first week of school; the incident took place after school hours and off campus.

“There were lots of red flags in this case,” says Professor Fee. “First, we wanted to find out if the school had jurisdiction to expel him. And when we found out more, it became an interesting, fact-heavy case.”

As Brothers discovered, schools can hold kids accountable for their behavior as they go to and from the campus, although, she says, “there are a lot of gray areas as to what that means.” One of K’s classmates made a video of the fight, which clearly revealed that K took the first swing at another student. The video seemed to be compelling evidence that K was at fault, and the school expelled him.

“It was appalling, because K was new to the school district, and he did not know the background or reputation of the other kids he got

involved with,” says Brothers. “And to recommend expulsion just for doing something that many teenage kids do struck us as uncompassionate on the part of the school administrators.”

Brothers and Carwin began to gather the facts. They interviewed K and his parents, read the reports, and then made an exciting and unexpected discovery: The local 7-Eleven had captured pivotal moments leading up to the fight with its surveillance camera. The law students reviewed the video and found that the alleged victim of K’s aggression had been waiting for K outside the convenience store in what appeared to be a threatening posture, suggesting that K had been provoked.

“Devan and Michael went above and beyond what many attorneys would do,” says Professor Fee. “To find that video was remarkable. They showed it at the school district’s disciplinary hearing, and I believe it made a difference with some of the members of the panel who wanted to give K a second chance.”

However, the school persisted with its decision to expel K, and the clinic filed an appeal with the Los

Angeles County Office of Education on his behalf. After mediation and settlement talks, K’s record was expunged, and he was readmitted to another school in the area, where he is doing well today.

“It felt great to know that this one mistake was not going to follow him around forever,” says Brothers, who wants to practice education law when she graduates. “His family would not have been able to afford an attorney, so if clinics like ours did not exist, there would be an even greater unmet need.”

**S**outhwestern's legal clinics enable law students to gain greater practical skills and get an invaluable real-context view of the law in action as they represent and assist some of the community's most abused, neglected and disadvantaged children and families. Clinic students work on real cases for academic credit under close supervision of faculty who are licensed, practicing attorneys.

The students take on heavy responsibility for strategy and execution of an array of legal matters and often are involved in cases from beginning to end. They must adhere to professional responsibility requirements such as client confidentiality, civility and duty to the court, and learn how to exhibit empathy and professionalism when counseling clients.

#### **Appellate Litigation Clinic**

Students work with a professor in litigating a pro bono appeal in the Ninth Circuit Court of Appeals, up to and including oral argument before the court.

#### **Children's Rights Clinic**

Students represent low-income children in school discipline proceedings or children with disabilities in special education proceedings, and work with community groups to advocate for better and more equitable educational opportunities.

#### **Entertainment and the Arts Legal Clinic**

Students who have demonstrated exceptional competency and interest in media and entertainment law are selected for this clinic. Students provide production business and legal affairs services for independent documentary and feature films under the supervision of faculty.

#### **Immigration Law Clinic**

Students represent children and adults in immigration matters such as Special Immigrant Juvenile Status, Violence Against Women Act and U-Visa cases where clients have been abused, neglected or abandoned, or have been victims of a crime.

#### **Street Law Clinic**

Students teach law-related critical life skills to high school students, most of whom are involved in the dependency or delinquency system. The clinic students step into the roles of teacher, mentor and advocate to inform the teenagers about their rights and provide legal information and resources they need to successfully transition to independent living.

#### **Youth Offender Parole Hearing Clinic**

Students in this clinic work with a professor in preparing a case and representing inmates sentenced to life in prison (who were youth offenders) in special parole hearings.



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