



Spring 2011

Clinical Perspectives: Spring 2011

The Jacob Burns Community Legal Clinics
George Washington University

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**CLINICAL
PERSPECTIVES**

FROM THE JACOB BURNS COMMUNITY LEGAL CLINICS

NEWS AND CURRENT ISSUES



★ ★ ★

SPRING 2011

[NEWS]

**NEW FACULTY, NEW PROGRAMS
EXPAND THE CLINICS' REACH**

We were joined this year by two new faculty members, Professor Jessica Steinberg and Professor Laurie S. Kohn, who are already making an impact on the Jacob Burns Community Legal Clinics. Professor Steinberg will open a new clinic next year, the Neighborhood Law and Policy Clinic. Professor Kohn will build on the success of the Civil and Family Litigation Clinic, which was directed for many years by Professor Joan Strand, who is retiring from full-time clinical teaching at the end of the 2010–11 academic year (see page 4). Professor Kohn will retain the family law caseload of Professor Strand's clinic while adding domestic violence matters to the docket and will operate under a new name, the Family Justice Litigation Clinic.

Professor Steinberg arrived at the clinics in December and, along with Professor Jeffrey Gutman, she has been co-teaching and co-supervising in the Public Justice Advocacy Clinic. In fall 2011, she will launch the Neighborhood Law and Policy Clinic, in which students will work under her supervision to provide a variety of civil legal services to indigent people living in the District of



PROFESSOR JESSICA STEINBERG (LEFT) AND PROFESSOR LAURIE S. KOHN

Columbia. The clinic's caseload will include matters related to housing, public benefits, and consumer issues. The clinic also will focus on the civil legal service needs of ex-offenders and on policy advocacy before rulemaking entities and local government bodies.

In the clinic seminar, Professor Steinberg will engage students in the skills required to represent clients in civil matters and in the exploration of ethical issues that can arise in such matters. She also will encourage

students to think systemically about the social structures that contribute to poverty and about the role that law and lawyers can play in alleviating it. Professor Steinberg reports that in her clinic, students will have an opportunity "to focus on the pressing legal problems of low-income DC residents and to think broadly about the efficacy of our justice system in protecting fundamental rights."

Professor Steinberg's research agenda currently addresses the effect on case outcomes of

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[VIEWPOINT]

**Notes from the
Clinical Dean**



ASSOC. DEAN PHYLLIS GOLDFARB

One of the satisfactions of involvement with clinical education is the opportunity to make a difference in the lives of others. The Jacob Burns Community Legal Clinics introduce students to the possibility that they can use their knowledge and talents to reduce the hardships that others experience and to improve others' lives.

Developing a professional identity as someone who can be of service to others is a profound lesson for new attorneys to absorb at a formative time in



FROM LEFT TO RIGHT: INTERIM DEAN GREGORY MAGGS, FORMER PROFESSOR JENNIFER LYMAN, PROFESSOR ANNE OLESEN, JAMESA DRAKE (J.D. '02), ASSOCIATE DEAN PHYLLIS GOLDFARB, AND VISITING PROFESSOR KELLY KNEPPER-STEPHENS.

CLINIC ALUMNA ARGUES CASE BEFORE SUPREME COURT

On January 12, 2011, Jamesa Drake (J.D. '02), an alumnus of the Federal, Criminal, and Appellate Clinic (FAC) and an appellate attorney for the Kentucky Department of Advocacy, reached a milestone in her legal career. On that date, she argued a Fourth Amendment issue on her client's behalf before the U.S. Supreme Court as the respondent in the case of *Kentucky v. King*. Another GW Law alumnus, Ann O'Connell (J.D. '04), an assistant solicitor general, appeared on the opposing side, arguing on behalf of the U.S. government appearing as *amicus curiae*. FAC's faculty and current students were all in attendance during these GW-filled Supreme Court proceedings. The court has not yet issued its opinion.

Following the Supreme Court argument, Drake returned to her alma mater. On the afternoon of January 13, 2011, she visited the Jacob Burns Community Legal Clinics to discuss with clinic students the underlying proceedings in her client's case and the path her career has taken due in part to her experience in the GW Law clinics. Later that afternoon, she addressed a larger

gathering of students and faculty, from inside and outside the clinics, providing more insight into the case and her career. Drake reports that her year-long clinical experience in FAC turned her previously unformed post-graduate interests in the direction of indigent defense. After her graduation in 2002, she obtained a position with the appellate division of the Office of Public Defender Services in Salem, Oregon. Within five years, she had argued more than three dozen cases before the Oregon Court of Appeals and six cases before the Oregon Supreme Court on behalf of her indigent clients. In 2007, Drake moved to an appellate position at the Kentucky Department of Public Advocacy, arguing many cases before the Kentucky Supreme Court. She then transferred to the department's Capital Post Conviction Unit, where she now represents clients on Kentucky's Death Row.

Reflecting on her clinic experience, Drake observed, "I now have a much deeper appreciation for [Professors] Jenny [Lyman] and Anne [Olesen] as role models. They never disparaged opposing counsel, and they demonstrated perfectly how to fight hard for a client without bombast or

hyperbole." She also indicated that lessons she first experienced in the clinic—about framing arguments, editing and polishing, maintaining your credibility as an advocate, and many others—remain with her today.

Reflecting on her experience as a public defender, Drake observed that "visiting an innocent client in prison is agonizing. Visiting anyone on death row is miserable. Arguing before a high court and losing is difficult." In sum, she said that "the lows are very, very low" but, by contrast, "the highs are very high." Observing that the job is not for everyone, she also reported, "I have loved being a public defender."

Students in the clinics appreciated the insights that Drake shared. All of us were inspired by her career and felt honored that the Jacob Burns Community Legal Clinics had played a role in it.

ALUMNUS AND CURRENT STUDENT MEET IN IMMIGRATION COURT

On February 3, 2011, the past and the present merged in Arlington Immigration Court. Immigration Clinic alumnus Andrés Benach (J.D. '98), now a partner at Duane Morris LLP, conducted a hearing before Immigration Judge Wayne Iskra, asking the judge to grant

cancellation of removal for his Chinese client. Lesley Dickson (J.D. '11), a current student in the Immigration Clinic, appeared on the same day in the same court before the same judge. Dickson was representing a man who had fled to the United States in 1989 from the civil war in El Salvador. Since then, her client had been working seven days a week at various jobs and helping his wife to care for their three U.S.-citizen children, one of whom is autistic.

Professor Alberto Benitez, who appeared in court as Dickson's supervisor, spotted his former student in the courthouse. Benach's hearing was first, and he succeeded in winning for his client a grant of cancellation of removal. Dickson's hearing followed, and in a generous show of solidarity, Benach remained in court for the student's hearing to offer the Immigration Clinic his moral support. Fortunately, Dickson's client also prevailed, winning a cancellation of removal as well. Both Benach's client and Dickson's client are now lawful permanent residents.

The memorable chance meeting of Immigration Clinic past and Immigration Clinic present exemplified the staying power of the clinic's lessons and the continuity of its service over many years. Benach indicated that one of the invaluable lessons about lawyering that he learned from the clinics is that "you have to be a master of the facts."

Although he already knew during law school that he wanted to be an immigration lawyer, he observed that the Immigration Clinic was his first opportunity to actually meet clients and to advocate for them. "Through my clients' bravery, humanity, and compassion," Benach remarked, "I learned that I wanted to persuade courts to extend the same qualities back to them."



ANDRÉS BENACH (J.D. '98)

continued from page 1

their careers. At the Jacob Burns Community Legal Clinics, imparting this lesson is an important part of our unique educational mission. While the clinics are addressing today's legal problems, they are also reaching toward tomorrow, influencing the professional sensibilities of generations of future lawyers.

As we reach toward the future, the Jacob Burns Community Legal Clinics are expanding our reach in other ways as well. The activities of Professor Anne Olesen (see page 5) and Daniel Benighaus (see page 4) reveal that the GW Law clinics are reaching across oceans and continents, into Western Europe and the Middle East. Our worldwide profile also includes the International Human Rights Clinic, which has clients in countries such as Colombia and Jamaica, and the Immigration Clinic, whose clients hail from all around the globe.

At the same time, we are growing locally. Many clinics are already reaching out to residents of DC—and in some instances Maryland and Virginia—to help in addressing their legal needs. As the cover story of this issue of *Clinical Perspectives* attests, we are fortunate to be increasing the faculty and programs engaged in teaching students who are assisting local residents in need of legal services.

In fall, 2011, Professor Jessica Steinberg will launch the Neighborhood Law and Policy Clinic, in which students will assist indigent clients in a variety of civil legal matters. Also in fall 2011, Professor Laurie S. Kohn will assume the directorship of the newly renamed Family Justice Litigation Clinic, continuing to teach students while they represent indigent clients in family law matters, but also adding domestic violence matters to the students' caseload.

These gains also come with losses. Professor Joan Strand, who has been teaching the Civil and Family Litigation Clinic for 32 years, has decided to retire. Her distinguished career has been devoted to public service and clinical education. She has long been an important presence in the clinics and an important example of a professional life dedicated to public interest law. To read more about her accomplishments as an educator and public interest lawyer, see the story on page 4.

In this issue of *Clinical Perspectives*, we also feature some of our clinic alumni, Jamesa Drake (J.D. '02) and Andres Benach (J.D. '98), who have taken the lessons of the clinics with them into their legal practices. Another GW Law alumna whose clinical experiences influenced her professional choices is Pallavi Rai Gullo (J.D. '01). After a decade of work for a variety of nonprofits in the DC area, she has returned to the clinics as our managing attorney.

Please read all of these alumni stories here. Then send us yours. Let us know what your clinical experiences have meant to you as you have forged your professional path. In upcoming issues of this newsletter, we hope to continue to feature inspiring stories of our clinical alums, who embody the future for which we once reached.

Clinical faculty and clinical programs make a big difference to clinical students and clinical clients. In turn, clinical students and clinical clients make a big difference to us. We hope that you will take the time to flip through these pages and learn more about the educational and public service mission that we are privileged to have been entrusted with here at GW Law. ★

[KUDOS]

- Professor **Arturo Carrillo** has been appointed to the executive board of the ABA's Center for Human Rights.
- On September 28, 2010 at their tenth anniversary dinner, the DC Employment Justice Center presented GW Law's Public Justice Advocacy Clinic, one of its community partners, and Professor **Jeffrey Gutman**, director of the clinic, with a Decade of Service Award. In addition, Professor Gutman was recently elected to the boards of both the Center for Dispute Settlement and the Washington Council of Lawyers.
- Professor **Suzanne Jackson**, director of the Health Rights Law Clinic, was appointed to the National Advisory Subcommittee on Medicaid Adult Health Quality Measures of the federal agency for Healthcare Research and Quality.
- Professor **Susan Jones** has been selected for a distinguished service award by the Washington Area Lawyers for the Arts (WALA). WALA will present the award to Professor Jones at a gala reception in May 2011. Professor Jones also has been appointed to serve on the Awards Committee of the AALS Section on Clinical Legal Education.
- In August 2010, Professor **Joan Meier** was presented the Sunshine Peace Award from the Sunshine Lady Foundation for her pathbreaking work on domestic violence. In November, Professor Meier argued *E.J. v. D.J.*, an appeal on behalf of a survivor of abuse and her children, to the DC Court of Appeals.
- The article "The Immune Response" published in the October issue of the *ABA Journal* featured quotes by Professor **Peter Meyers**. The article discusses the Supreme Court case of *Bruesewitz v. Wyeth*, involving statutory interpretation of the National Childhood Vaccine Injury Act adopted by Congress in 1986.
- Friedman Fellow **Shana Tabak** has won an Audre Rapoport Prize for her paper on gender and human rights. The monetary prize also includes an offer of publication in the working paper series of the Rapoport Center for Human Rights and Justice at the University of Texas School of Law. ★



PROFESSOR JOAN MEIER

PROFESSOR JOAN STRAND RETIRES AFTER 32 YEARS AT GW LAW



PROFESSOR JOAN STRAND

In May 2011, Professor Joan H. Strand, director of the Civil and Family Litigation Clinic for 32 years, will become professor emeritus of clinical law. Professor Strand is retiring at the end of the 2010-2011 academic year after a highly accomplished career as a legal educator and public servant. In February 2011, the GW Law board of trustees voted to grant the law faculty's recommendation to honor Professor Strand with an award of emeritus status.

Professor Strand's association with GW Law began well before

she became the director of the Civil and Family Litigation Clinic. After receiving a B.A. and a J.D. from GW, Professor Strand became a clinical supervisor for GW Law students participating in the Civil Division of the DC Law Students in Court program from 1975 to 1979. In January 1979, she came to GW Law to direct the Civil and Family Litigation Clinic, where she remained for more than three decades as a teacher and supervisor to hundreds of GW Law students.

As she served students and clients, Professor Strand provided extraordinary leadership to the DC legal community. She has held many leadership roles in the DC Bar, including serving as its president from 1999 to 2000 and as a member of the DC Bar Board of Governors for several terms. From 2000 to 2007, she served three terms on the DC Bar Foundation. In 1994, she received the DC Bar's Best Project Award for chairing the DC Practice Manual Revision Committee.

Professor Strand also has made generous contributions of her expertise in the areas of family law and civil litigation. She has taught continuing legal education courses to train private lawyers in handling pro bono family law matters. She has co-chaired the Family Law section of the DC Bar and served on various family law-related committees and task forces, including the DC Bar's Family Law Task Force and its Children's Initiative Committee.

She also has served the DC judicial system in a variety of ways. In 2005, she was appointed by the DC Court of Appeals to the first term of the DC Access to Justice Commission, helping to improve access to justice for DC's underrepresented populations. She has served as a member of the DC Court of Appeals Judicial Conference and the DC Circuit Judicial Conference. She also has served as a board member of the DC Law Students in Court program, the DC Public Defender Service, and the Council on Court Excellence.

Professor Strand has received

more awards over the years than can be recounted here. One of the highlights was her 2008 recognition by the *Legal Times* 30th Anniversary issue as one of the 90 greatest Washington lawyers of the last 30 years. Some of her other awards include the DC Bar Foundation's Jerrold Scoutt Prize for outstanding contributions by a legal service provider in 1997, an outstanding achievement award from Whitman-Walker Clinic Legal Services in 1999, and the DC Law Students in Court's Lever Award in 2000 in recognition of her outstanding public service career.

Her next award will be granted at the GW Law commencement on May 15, 2011, when her status as professor emeritus will be conferred. We appreciate the lessons in public service that she has provided us, and we will redouble our efforts to live up to her legacy. Joan, we will miss you at the Jacob Burns Community Legal Clinics, and we wish you the best as you move into the next chapter of your life and legal career. ★

CLINICS DEPICTED IN GERMAN JOURNAL OF LEGAL EDUCATION



Juristische Schulung ("Legal Training"), the most prestigious legal education journal in Germany, is not a place that one typically expects to find a photo of the brick buildings housing the Jacob Burns Community Legal Clinics. But a 2010 issue of the German journal features such a photo in an article on clinical education written by Daniel

Benighaus, a newly minted German attorney living in Berlin. The research for the article was done while Benighaus completed his German law degree with a practicum at the Jacob Burns Community Legal Clinics. Benighaus sought out the practicum at GW Law because he wanted to learn about public interest lawyering as taught in law school clinics—a form of legal education that does not exist in Germany. Indeed, Benighaus observes in his article that clinics have spread worldwide, except in Western Europe.

In fall 2009, Associate Dean Phyllis Goldfarb incorporated

Benighaus into her LL.M. course titled Clinical Teaching and Scholarship, a series of classes designed for the graduate clinical teaching fellows who are part of the Friedman Fellowship program. After studying clinical pedagogy and working for a semester on projects in the clinics, Benighaus became a strong proponent of clinical legal education. His article describes clinical methods of education and urges German legal educators to adapt some of these methods to German legal training.

Before returning to Germany from his clinical semester at GW Law, Benighaus presented a draft of his article to the Friedman

Fellows in the Clinical Teaching and Scholarship class. Now that his first article has been published, Benighaus reports that he is working on a sequel: an article that will detail specific lessons for German legal education drawn from the clinical methods that he learned here at GW Law.

We are delighted to know that through Benighaus, the Jacob Burns Community Legal Clinics are reaching across the Atlantic. We wish him well and look forward to learning how he fares in his efforts to import into Germany the lessons he carried back with him from the Jacob Burns Community Legal Clinics. ★

PROFESSOR OLESEN BRINGS CLINICAL LEGAL EDUCATION TO QATAR



PROFESSOR ANNE OLESEN (FOURTH FROM LEFT) WITH FACULTY AND PARTICIPANTS IN QATAR.

As news reports remind us daily, the Middle East is changing rapidly. This winter, Professor Anne Olesen was a participant in positive developments occurring in the region. From February 18 to March 11, 2011, Professor Olesen visited Qatar University College of Law in Doha, Qatar, as a legal specialist for the American Bar Association's (ABA) Rule of Law Initiative and its Women and the Law program. Bringing her knowledge of

clinical education to the country, she taught classes, consulted with faculty on interactive teaching methods, and participated in the launching of two women's programs.

Professor Olesen reports that as the culture of Qatar is changing, so is the Qatar University College of Law. Until recently, professors taught courses exclusively in traditional lecture style. Although classes are still taught separately to men and women, the school has created a skills curriculum, teaching legal research and writing for the first time and planning to offer a trial advocacy course and an externship program next year.

While in Qatar, Professor Olesen observed classes, provided feedback to faculty, and consulted with the school's new dean who is committed to training faculty in innovative teaching methods and to developing experiential learning opportunities for students. Professor Olesen also taught professionalism and criminal procedure classes in separate male and female classes, where she involved students in active learning exercises.

As part of its initiative in Qatar, the ABA has begun a

domestic violence program, in which law students will study Qatar's and other nations' domestic violence problems and consider various legal efforts to protect women. At the culmination of the project, the students will teach other Qatari women—both at the university and in the community—what they have learned. Professor Olesen, who has previously directed Street Law programs at GW Law, introduced students in the domestic violence program to the idea of teaching practical law lessons to non-lawyers, demonstrating various kinds of interactive exercises that students could use to promote knowledge of law.

A high point of Professor Olesen's visit was her participation in a mentoring program for female law students. Although 75 percent of law students in Qatar—who study law as undergraduates—are women, few go on to practice law. The program, which aims to educate women about professional legal opportunities and provide support for their entering the profession, matches 25 female law students with women who are international mentors and with successful lawyers (most of them expatriates) who are practicing law in Doha with law firms, corporations, and government law offices.

Over 50 lawyers and law students attended a half-day workshop to launch the mentoring program. For most of the Qatari students, this program provided their first exposure to practicing lawyers. Professor Olesen spoke to the group about the value of mentoring and about the importance of mentors and mentees establishing a collaborative relationship in which the

students take an active role in their learning. As she observed, "mentoring is a life-long process" that involves "self-exploration, goal setting, and experiential learning." Professor Olesen expressed the hope that the mentoring program would create "only the first of many mentoring relationships that students will have throughout their professional lives."

After working in small groups during the workshop, students shared what they hoped to learn about practicing law, and mentors reflected on what they wished they had known when they first began their law practices. Subsequently, the group brainstormed a long list of ideas about how students might learn about the practice of law. Professor Olesen's favorite moment came at the end of the day when participants were asked to share one new thing they had learned. One young woman responded, "I learned I have choices." Moved by responses like this, Professor Olesen will stay involved in this program as an international mentor.

Professor Olesen reports that she felt enriched by her experience in Qatar. She found both faculty and students at the law school to be receptive to new ideas about legal education and interested in learning about clinics and other teaching methods used in the United States. She reported that she "was particularly inspired by the female law students who are at the forefront of a new generation of Qatari women. They speak of wanting to work in law firms to become international lawyers and criminal lawyers, to defend human rights, and to use law to help others. I was honored to work with them." ★



CLINICAL PERSPECTIVES

Clinical Perspectives is published by the Jacob Burns Community Legal Clinics at The George Washington University Law School.

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STUDENT DIRECTOR DANIEL GERKEN (J.D. '11) (FAR LEFT) WITH MEMBERS OF THE 2010–2011 STUDENT ADVISORY COUNCIL.

ALUMNA RETURNS TO CLINICS AS MANAGING ATTORNEY

Pallavi Rai Gullo (J.D. '01) has returned to the clinics that nurtured her to help in continuing their mission to train law students while they assist clients in need of legal services. In December 2010, Gullo became the new managing attorney of the Jacob Burns Community Legal Clinics, an administrative position supporting the work of all GW Law's clinical programs. The clinics already have benefited tremendously from her presence.

As a law student, Gullo participated in the civil division of the Law Students in Court program and in what was then known as the Administrative Advocacy Clinic, taught by Professor Jeffrey Gutman. Following graduation, she



PALLAVI RAI GULLO (J.D. '01)

worked in the DC area in a variety of nonprofit settings. We are delighted that she has circled back to us and that she will be working closely with Dean Goldfarb to enhance the clinics.

In managing various systems and operations on behalf of the clinics, Gullo works in collaboration with Daniel Gerken (J.D. '11), the clinics' student director, and with the Student Advisory Council (SAC) for the clinics. Chaired by the student director, the SAC is comprised of student representatives from each of the clinics. Participating in the governance of the clinics, the SAC provides information and feedback on various programs and policies and engages in a variety of service projects. This team effort generates many ideas for improving the overall functioning of the Jacob Burns Community Legal Clinics. We are grateful for Gullo's administrative leadership and for the involvement of our student director, our SAC, and our dedicated staff, all of whom comprise a remarkably talented administrative team. ★

[INSIGHT]

CIVIL AND FAMILY LITIGATION CLINIC

Students in the Civil and Family Litigation Clinic, taught by Professors Joan Strand and Laurie

Kohn and Friedman Fellow Vanessa Batters-Thompson, are assisting clients on a variety of family law matters. Ali Fishbein (J.D. '11) and Amy Ramsey (J.D. '11) successfully represented a client in obtaining third-party custody of her granddaughter. The students prepared the case, attempted to negotiate, and ultimately convinced the judge to issue a custody order in their client's favor.

In January 2011, Erin Carter (J.D. '11) and Lauren Hall (J.D. '11) argued a motion to increase child support payments, filed on behalf of a single mother caring for a mentally handicapped child. The court granted the motion. Students are monitoring the enforcement of the court's order to ensure that their client receives the payments she needs in a timely manner.

The client in the case originally came to the clinic in 2009 seeking assistance for a court hearing on visitation. Following the successful conclusion of the visitation hearing in January 2010, the client returned to the clinic in fall 2010 for assistance with a status hearing on the same visitation issue. While students gathered background information from the client, they learned that for the past several years, she had not regularly received child support payments. They also discovered that the original

payments owed were more than 250 percent less than DC law allows. The students' work in preparing, filing, and successfully arguing the child support motion has helped to reduce the client's financial hardship and has made a significant difference in her financial ability to care for her child.

DOMESTIC VIOLENCE PROJECT AND DOMESTIC VIOLENCE LEGAL EMPOWERMENT AND APPEALS PROJECT

Students in the Domestic Violence Project (DVP) are learning about advocacy on behalf of survivors of domestic violence. Working with a variety of domestic violence organizations, the students are engaged in a range of legal work, such as providing assistance to pro se clients in drafting petitions for civil protection orders in DC Superior Court; representing low-income immigrant women facing issues of domestic violence; working on issues of teen dating violence through outreach, policy development, and the representation of teen clients; assisting in the prosecution of felonies and misdemeanors involving domestic violence; and supporting the appellate work of the Domestic Violence Legal Empowerment and Appeals Project (DV LEAP) in domestic violence cases, including those before the U.S. Supreme Court.

Currently enrolled in DVP, Molly Langer (J.D. '12) was attracted to public interest lawyering by observing the good that her grandfather was able to accomplish through his law practice. Through her placement at the Tahrih Justice Center, a non-profit that provides advocacy and education to protect women and girls from gender-based violence, Langer has been conducting client



DVP CLINIC STUDENTS ANSWER QUESTIONS AT THE CLINICS' OPEN HOUSE.

interviews, preparing discovery documents, and drafting motions in preparation of trial. In her most recent case, a contested divorce, Langer's efforts resulted in expanded legal protection and financial support for a battered woman and her children. Langer reports that her experience in DVP "has renewed my sense of commitment to practicing public interest law."

DV LEAP, directed by Professor Joan Meier, has received a \$450,000 grant from the U.S. Department of Justice's Office on Violence Against Women. The grant will fund DV LEAP's Custody and Abuse Project, which will provide training to judges, lawyers, experts, advocates, and pro se litigants on the misuse of science in custody and abuse litigation.

FEDERAL, CRIMINAL, AND APPELLATE CLINIC

In January 2011, Kelly Knepper-Stephens (J.D. '05), visiting professor in the Federal, Criminal, and Appellate Clinic (FAC), argued *State v. Northam* in Maryland's highest court. The case reached the court in 2010, after a FAC student-attorney (Stephanie Patton, J.D. '10) persuaded the Maryland Court of Special Appeals to reverse and remand her client's felony murder conviction because the trial judge had failed to address the client's repeated requests to



VISITING PROFESSOR
KELLY KNEPPER-STEPHENS

discharge his attorney. When the Maryland Court of Appeals granted the government's petition for certiorari in the case, FAC students and Professor Knepper-Stephens developed arguments designed to protect their victory below. In April and May, the Maryland Court of Appeals will hear arguments in two other cases argued below by FAC student-attorneys, including one case on the constitutionality of the "CSI" jury instruction, which informs jurors that the state need not use certain investigative and scientific techniques.

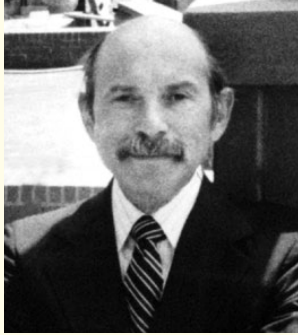
In February, Nick Vitolo (J.D. '11) argued a case before the Maryland Court of Special Appeals. In March, Eric Sidler (J.D. '11) and Lillian Marquez (J.D. '11) argued their cases. One issue in Marquez's case involved the propriety of trying and sentencing in absentia a defendant who had escaped. The rest of FAC's student-attorneys are preparing a variety of other appellate issues for spring semester oral arguments.

HEALTH RIGHTS LAW CLINIC

Students in the Health Rights Law Clinic work with GW's Health Insurance Counseling Project, fielding an average of 100 calls a week requesting assistance with an array of health-related legal problems. Exposure to such a wide range of issues gives clinic students a broad range of opportunities for client service while learning about the health care system, as well as the possibilities for changing it and advocating within it.

Recently, Professor Suzanne Jackson and several clinic students visited a senior apartment building, interviewing many residents who sought assistance with health care costs and decisions. Wireless laptops

[IN MEMORIAM]



PROFESSOR EMERITUS
DONALD P. ROTHSCHILD

Professor Emeritus **Donald P. Rothschild**, the founder of the Law School's Consumer Help Clinic—one of the earliest clinics at GW Law—passed away on February 28, 2010 in Ft. Myers, Florida. He was 83 years old.

Professor Rothschild taught labor law, employment law, and disability law. Students and colleagues remember him as a mentor, a friend, and a visionary teacher. He was also a clinic pioneer whose legacy lives on in the Jacob Burns Community Legal Clinics.

If you have memories of Professor Rothschild or of the Consumer Help Clinic that you would like to share, please send them to us. We send our heartfelt condolences to all of Professor Rothschild's family and friends.

in tow, student advocates searched through Medicare's databases to identify each person's best options and helped many seniors to apply for public benefits that can dramatically reduce their costs for health care and medicine. They helped others extricate themselves from managed-care plans that they had joined based on insurance brokers' inaccurate claims.

In another clinic matter, student Caroline Jova (J.D. '12) discovered that Medicare was automatically denying claims



PROFESSOR SUZANNE JACKSON

without review based on a billing code that a hospital had incorrectly added to her client's file. After conducting extensive research and determining that a class action could be brought, she consulted with several national experts while simultaneously submitting an appeal of the denial of her client's claim. Medicare granted her client's appeal and has suspended its policy of automatically denying claims based on the billing code. Another student, Daniel Cousineau (J.D. '11), recently secured approval for a special wheelchair that previously had been denied to an elderly woman, persuading Medicaid that the woman's condominium should not be considered an asset that would disqualify her from coverage.

IMMIGRATION CLINIC

Students in the Immigration Clinic recently obtained cancellation of removal for a client from Mexico who had experienced domestic violence

throughout her life. The client was placed into removal proceedings after she accepted a plea bargain to misdemeanor assault, which was the result of false charges pressed by an abusive boyfriend. The Department of Homeland Security argued that the client's guilty plea rendered her ineligible for cancellation of removal, but Claire Kelly (J.D. '11) and Rachael Petterson (J.D. '10) persuaded the court of her eligibility and successfully obtained lawful permanent resident status for her, enabling her to remain in the United States with her teenage son, a U.S. citizen.

In March 2011, student-attorney José Carlos Pittí (J.D. '12) won a motion to terminate removal proceedings for his client, a lawful permanent resident, preventing the client's deportation based on a misdemeanor plea he had entered in February 2007 after erroneous advice from a criminal defense attorney. Due to this plea, an immigration judge had previously ordered that the client be removed to Mexico. Persuaded by the Immigration Clinic's argument that, as a matter of law, the misdemeanor conviction could not support the immigration violation, an appellate judge at the Board of Immigration Appeals reversed and remanded, terminating the client's removal proceedings.

Michelle Kobler (J.D. '11) won asylum for an Ethiopian client who, as an ethnic Tigrean and member of the Baha'i faith, had been subjected to detention and persecution by government officials. Astra Wallace (J.D. '11) also won asylum for an Ethiopian client who had been persecuted by police for her political activities. In addition, student-attorneys Lauren Dawson (J.D. '11), Keren Sohahong-Kombet (J.D. '11), Erica Rodriguez (J.D. '11), and Liliana Hernandez (J.D. '12) obtained lawful permanent residency for clients from Morocco, Mauritania, Bangladesh, and India. Lesley Dickson (J.D. '11) obtained cancellation of removal and lawful permanent resident status for a client from El Salvador (see page 2). Lesley was moved when the client's ten-year-old son thanked her for "saving my dad," reporting that experiences like these made the clinic "personally fulfilling."

INTERNATIONAL HUMAN RIGHTS CLINIC

The International Human Rights Clinic (IHRC) is committed to the promotion of effective cross-cultural advocacy and to the enforcement of international human rights norms. The clinic gives students diverse opportunities to advocate for human rights in both domestic courts and international tribunals.

Currently, the clinic has a



PROFESSOR ARTURO CARRILLO AT AN INTER-AMERICAN COMMISSION HEARING.

number of cases pending in the Inter-American Commission on Human Rights, including cases involving the illegal use of force by the Jamaican police. On March 25, 2011, the commission held a hearing requested by the clinic and its local partner, the nongovernmental organization Jamaicans for Justice, to examine the human rights situation in Jamaica. In early March, the commission transferred a clinic case involving the persecution of a Colombian journalist for judicial resolution in the Inter-American Court of Human Rights in San Jose, Costa Rica. In February, Professor Arturo Carrillo and students Alexandra Sanchez (J.D. '11) and Mark de Barros (J.D. '12) met extensively with the journalist's family to gather information for the briefs they are drafting and to prepare the clients for the next phase of the litigation.

In the clinic's Human Trafficking Litigation Project, Friedman Fellow Annie Smith and Professor Carrillo are working with Mollie Hailey (J.D. '12) and Sylvia Miller (J.D. '12) in litigation on behalf of 18 Filipino workers brought to the United States under false pretenses and held in coercive conditions. Their lawsuit alleges violations of two federal statutes—the Trafficking Victims Protection Re-authorization Act and the Alien Tort

Statute—and raises various other claims such as fraud and minimum wage violations. This year, clinic students drafted the opposition to the defendants' motion to dismiss, conducted telephonic client meetings, assisted in amending the complaint, and participated in strategy sessions with the litigation team, which includes attorneys from the DC-based World Organization for Human Rights USA and the Florida-based Migrant Farmworker Justice Project. For the student attorneys working on this case, it has been an exciting lesson in the fast pace and unpredictability of pre-trial litigation and in the courage of their clients who have come forward to help end the abuse and exploitation of vulnerable immigrant workers in the United States.

Clinic students also are preparing for the next phase of litigation in a federal class action against Chiquita on behalf of the families of victims of violence in a banana-growing region of Colombia. In 2007, facing criminal charges filed by the U.S. Department of Justice, Chiquita pled guilty to making payments to a terrorist organization involved in killings and other grave human rights abuses. The IHRC, in partnership with Earthrights International and other human rights litigators, is seeking civil remedies under the Alien Tort Statute for family members of approximately 100 victims of the terrorist violence funded by Chiquita. The federal court is expected to rule soon on Chiquita's motion to dismiss, setting the stage for the major discovery phase of litigation that will follow.

PUBLIC JUSTICE ADVOCACY CLINIC

Students in the Public Justice Advocacy Clinic (PJAC) recently won three appeals from denials



PROFESSOR ALBERTO BENÍTEZ WITH IMMIGRATION CLINIC STUDENTS AND STAFF.

of unemployment compensation for their clients. They also successfully negotiated settlement agreements in several wage and hour cases. The clinic's clients were low-income employees in the District of Columbia who had been paid wages lower than the minimum wage, had not been paid overtime wages, or had not been paid at all. Working within the legal framework of both the Fair Labor Standards Act and the DC Minimum Wage Revision Act, clinic students interviewed clients, drafted complaints, served interrogatories, prepared for and participated in depositions, and participated in settlement negotiations. In many of these cases, the students have recovered substantial unpaid wages for their clients. Professor Jeffrey Gutman and PJAC students also have filed a federal FOIA request against the Centers for Medicare and Medicaid Services on behalf of Brian Biles, a professor at the GW School of Public Health, to obtain data related to the multi-billion dollar Medicare Advantage program.

In August 2010, Chief Judge Royce Lamberth of the U.S. District Court for the District of Columbia granted plaintiffs' motion for summary judgment in the case of *D.L. v. D.C.*, finding that the District of Columbia



PROFESSOR JEFFREY GUTMAN

violated the Individuals with Disabilities Education Act, due process, and local law by failing to offer a free and appropriate public education to a class of several thousand disabled pre-school children, aged 3 through 5. The hope is now that, prodded by the hard work of Professor Gutman, who served as co-counsel for the plaintiff class, and the work of PJAC students, DC will adopt policies to locate and provide compensatory education to thousands of young disabled children. These remedial issues will be addressed in future proceedings.

In September 2010, the District of Columbia Court of Appeals (DCCA) ruled that PJAC was entitled to attorneys' fees for a 2007 case in which two clinic students, supervised by Professor Gutman, won the reinstatement of employment disability benefits for a disabled low-income client. When an administrative law judge (ALJ)

denied attorney's fees, as provided by statute, for the students' lawyering work by asserting that law students were not attorneys, the clinic appealed. In reversing the ALJ's denial of fees, the DCCA showed a depth of knowledge and respect for clinical programs in which students handle client matters under the close supervision of attorney-professors.

SMALL BUSINESS AND COMMUNITY ECONOMIC DEVELOPMENT CLINIC

In addition to assisting a number of small businesses and nonprofits—from an animation graphics business and a home health care agency to a literary arts journal—students in Professor Susan Jones' Small Business and Community Economic Development (SBCED) Clinic have been engaged in a policy and research project focused on community workforce development. Aided by Professor Jones and Friedman Fellow Jacqueline Lainez, teams of students have been investigating and drafting reports on programs, practices, and trends in four areas: vocational high schools, human development programs, programs for formerly incarcerated people, and contributions of the creative economy to community economic development. In the process, students are observing the connections between their work on behalf of clients and issues of social policy.

Based on an application filed by the SBCED Clinic, GW was one of the law schools selected to participate in a pilot program at the U.S. Patent and Trademark Office (USPTO). Through the program, SBCED students have been certified to represent clients before the USPTO in trademark application matters, expanding their repertoire of client services.

VACCINE INJURY CLINIC

Students in the Vaccine Injury Clinic attended oral arguments in the U.S. Supreme Court on October 12, 2010 in the case of *Bruesewitz v. Wyeth*, involving statutory interpretation issues regarding the National Childhood Vaccine Injury Act adopted by Congress in 1986. Working within the same statutory framework, students in the clinic are representing a number of clients injured by vaccines. In one recent case, Jillian Davis (J.D. '11) and Julie Unger (J.D. '11) succeeded in obtaining a settlement of more than \$800,000 on behalf of a single mother who works full time taking care of her young daughter who developed a pervasive developmental disorder as the result of a vaccination she received in 2002. The U.S. Department of Health and Human Services (HHS) had been contesting the role that the vaccine played in precipitating the disorder, requiring the students to prepare the case for trial. Prior to trial, however, lawyers for HHS made a settlement offer that will generate the resources needed to provide the lifelong care that the young girl needs. ★



PROFESSOR SUSAN JONES TEACHING A CLASS IN THE SBCED CLINIC.



PROFESSOR PETER MEYERS AT WORK IN HIS OFFICE.

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different models for the delivery of legal services to indigent civil litigants, and she is engaged in empirical research on these issues. Indeed, she views clinics as a site for community-based research through which students can broaden their understanding of access to justice issues and of the operation of the civil justice system for low-income litigants.

Professor Steinberg came to the Jacob Burns Community Legal Clinics from Stanford Law School, where she was a clinical teaching fellow and a supervising attorney in Stanford's Community Law Clinic, in which students assisted low-income clients with a variety of civil legal matters. Prior to her stint at Stanford, she was a deputy city attorney for the City of Salinas, California, where she litigated civil rights and liability claims on behalf of the city in state and federal court. She also has worked as an Equal Justice Works Fellow for the Legal Aid Society of San Mateo County, California. Professor Steinberg received a B.A. in English literature from Barnard College and a J.D. from Stanford Law School, where she was a Public



PROFESSOR STEINBERG AT THE CLINICS' OPEN HOUSE.

Interest Fellow and a recipient of the California State Bar Foundation Public Interest Scholarship. Although she is new to GW Law, Professor Steinberg has returned home, as she was raised in the Washington, DC area.

This year, Professor Kohn has been directing the Civil and Family Litigation Clinic with Professor Joan Strand. Throughout the year, students in the clinic have been engaged in representing indigent clients in family law matters such as divorce, custody, and child

support cases. Next year, under the auspices of the Family Justice Litigation Clinic, Professor Kohn will continue to engage students in these types of family law cases, but she also will involve students in representing clients seeking civil protection orders in domestic violence matters.

While the timetable for the legal process in a family law case is often an extended one, civil protection order cases typically operate on an expedited basis. Therefore, Professor Kohn views these two types of caseloads as complementary and together sees them enriching the students' clinical experiences. As she remarked, "Through the newly named Family Justice Litigation Clinic, I am excited about continuing the tradition of excellent family law representation that the Civil and Family Litigation Clinic has provided to low-income DC residents for many years. I am also excited about expanding the focus to enable students to serve clients in an even wider context of family law matters."

Professor Kohn came to the Jacob Burns Community Legal Clinics from the Georgetown

University Law Center, where she was co-director of the Domestic Violence Clinic. She also has taught courses outside the clinic in domestic violence and in gender and the law. At DC Superior Court, she is co-chair of the Domestic Violence Unit Task Force and a member of the Family Court Training Committee and the Domestic Violence Unit Rules Committee. She also has served as the chair of the Steering Committee of the DC Bar Family Law Section.

Previously, Professor Kohn held positions as an associate at the Washington, DC law firm of Crowell & Moring; as an aide to the late Senator Edward M. Kennedy, whom she assisted with the legislative process for the Americans with Disabilities Act; as a lawyer in the Civil Rights Division at the Department of Justice during the regulatory drafting and implementation phase of the ADA; and as a legislative attorney for the American Civil Liberties Union, focusing on reproductive rights and disability policy. She received a B.A. from Harvard University and a J.D. and LL.M. from the Georgetown University Law Center.

Professor Kohn has written numerous articles, primarily on domestic violence issues, including "The Criminal Justice System and Domestic Violence: Engaging the Case but Divorcing the Victim" (32 *N.Y.U. Rev. L. & Soc. Change* 191, 2008). Her most recent article is "What's So Funny About Peace, Love, and Understanding: Restorative Justice as a New Paradigm for Domestic Violence Intervention" (40 *Seton Hall L. Rev.* 517, 2010). Professor Kohn's current research agenda concerns alternatives to adversarial justice and the role of the court in therapeutic justice. ★



PROFESSOR KOHN TALKS WITH A STUDENT.

[SELECTED PRESENTATIONS AND PUBLICATIONS]

In November 2010, Professor **Arturo Carrillo** presented “Whither the Human Rights Clinic?” as a panelist at a symposium on Re-imagining International Law held at the University of Maryland School of Law.

On September 30, 2010, Professor Carrillo gave presentations on human rights and clinical legal education at an international conference sponsored by the Supreme Court of Mexico and held at one of Mexico’s major private law schools. Thereafter, he traveled to Bogota, Colombia, to speak at Universidad del Rosario on human rights clinics and public interest law for an audience of Colombian law professors. While at the school, he also celebrated the release of a Spanish-language book published by the Universidad del Rosario on group and class actions in cases of gross human rights violations, a text co-authored by members of GW Law’s International Human Rights Clinic and co-edited by Professor Carrillo.

Professor Carrillo’s co-authored article “Transnational Mass Claim Processes in International Law and Practice” was published in 29 *Berkeley Journal of International Law* 343 (2010).

On October 20, 2010, Associate Dean **Phyllis**

Goldfarb spoke about experiential learning across the curriculum as part of the faculty colloquium series at Albany Law School. On October 22, 2010, she discussed design issues for experiential learning curricula at the New England-area Clinical Theory Workshop held in Boston.

On October 1, 2010, Dean Goldfarb presented a paper on clinical program design, co-authored with Professors Deborah Maranville, Russell Engler, Susan Kay, and Mary Lynch, at New York Law School’s conference celebrating the 25th anniversary of its Clinical Theory Workshop. On December 11, 2010, she presented the paper with her co-authors at the Society of American Law Teachers (SALT) conference held at the University of Hawai’i. At the SALT conference, she also presented a paper on lessons to be drawn from the exoneration of a capital defendant.

Dean Goldfarb’s article “Teaching Metaphors” was published in 20 *Southern California Interdisciplinary Law Journal* 39 (2010).

A Spanish language version of Dean Goldfarb’s article “Picking Up the Law,” which originally appeared in the *University of Miami Law Review*, was recently published as “Escogiendo la ley” in *Academia: Revista Sobre*

Enseñanza del Derecho, an academic law journal published in Buenos Aires.

On December 3, 2010, Professor **Susan Jones** was a guest speaker at the third annual Law and Society Conference titled Good Governance, the Rule of Law, and Development: Building Bridges, held at the University of Technology, Faculty of Law, in Montego Bay, Jamaica.

On October 19, 2010, Professor **Laurie Kohn** spoke on a panel organized by the DC Bar Association about what family law attorneys need to know about domestic violence. Professor Kohn’s recent article “What’s So Funny About Peace, Love, and Understanding: Restorative Justice as a New Paradigm for Domestic Violence Intervention” appeared in 40 *Seton Hall Law Review* 517 (2010). She also has submitted for publication a new edition of *Litigating Civil Protection Order Cases: A Practice Manual*.

In October 2010, Professor **Joan Meier** addressed the annual conference of the National Association of Women Judges held in San Francisco and debated Jeffrey Fisher, U.S. Supreme Court lawyer and lead architect of recent developments in confrontation jurisprudence, about the intersection of confrontation rights with the prosecution of domestic violence.

On October 21, 2010, Professor Meier spoke to the Family Court Conference of the DC Superior Court about vicarious trauma in work on child sexual abuse, serving on a panel with a psychologist. In September, Professor Meier was a panelist and keynote speaker on family courts and domestic violence at the second annual



PROFESSOR SUSAN JONES

Washington Domestic Violence Symposium, held at the Seattle University School of Law.

In December 2010, Professor Meier presented “Alienation and Abuse Allegations in Child Custody Litigation: What Courts Should Know” to the Ohio Association of Domestic Relations Judges, Columbus, Ohio.

In March 2011, Professor Meier spoke on family courts and domestic violence at a conference in Dublin, Ireland. An article in *The Irish Times* on March 14, 2011, reported on her presentation.

In January 2011, at the Association of American Law Schools annual meeting in San Francisco, Professor **Jessica Steinberg** served on a panel co-sponsored by the Sections on Poverty Law and Clinical Legal Education, discussing her research on the efficacy of various types of delivery models for legal services to the indigent and her vision of legal clinics as sites for community-based research.

On March 31, 2011, **Shana Tabak**, Friedman Fellow in the International Human Rights Clinic, presented a paper on gender in post-conflict societies at the conference Applying Feminism Globally, held at the University of Baltimore School of Law. ★



STUDENTS LISTEN AS DEAN GOLDFARB DISCUSSES THE APPLICATION PROCESS FOR THE JACOB BURNS COMMUNITY LEGAL CLINICS.

SUPPORT THE CLINICS THROUGH THE ERIC SCOTT SIRULNIK FUND



PROFESSOR ERIC S. SIRULNIK

In 2003, the Eric Scott Sirulnik Community Legal Clinic Fund was established through the generosity of David Z. Webster (LL.B. '64). Named in recognition of Professor Sirulnik's dedication to the Jacob Burns Community Legal Clinics, which were founded under his direction in 1971, this endowed fund supports the litigation efforts of the Jacob Burns Community Legal Clinics.

A wonderful aspect of this endowment fund is that it has the potential to grow without limit. The fund was established with the intent that it would remain open to receive additional donations. GW Law alumni and other friends of the clinics can join Mr. Webster in supporting the Jacob Burns Community Legal Clinics by contributing to the Sirulnik Fund. Your support will enhance the ability of the legal clinics to educate clinical students as they provide assistance to those most vulnerable in our community.

If you are interested in making a contribution or learning more about the Eric Scott Sirulnik Community Legal Clinic Fund, please contact John Cole at (202) 994-7860 or via e-mail at jcole@law.gwu.edu.

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