

Stanford Law School

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Legal Research Paper Series

**Stanford Law School Legal Clinics
2008-2009 Year in Review**

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Note: There were so many activities & accomplishments of the 2008-2009 school year, it's difficult to list them all! Therefore, this document highlights a representative sample.

Criminal Defense Clinic

- ◆ Jesse Rioz is a 27 year-old man who was sentenced to life imprisonment under the "three strikes" law. Under governing law a judge must impose a life sentence for a third strike unless the defendant can show that his case is outside the spirit of the Three Strikes law. In Mr. Rioz's case, there were powerful arguments to be made, and evidence to be presented, along those lines. **Jordan Blumenthal ('09)** and **Erin Schanning ('09)** investigated the case and filed a habeas corpus petition in state court, arguing that Mr. Rioz was denied effective assistance of counsel at his sentencing and that there is a reasonable likelihood that he would not have received a life sentence had counsel acted competently. For the past two months, **Kathleen Fox ('10)** and **Esteban Rodriguez ('10)** have been preparing for the sentencing hearing that was scheduled to begin today. Instead, the prosecution agreed today to resolve the case with a sentence of seven and-a-half years. This victory is a significant development in the Criminal Defense Clinic's effort to show that there are hundreds of inmates serving life sentences under the three strikes law who would not have been so sentenced had their lawyers provided robust defense at the sentencing stage. Lecturer **Michael Romano** and Clinical Teaching Fellow **Galit Lipa** supervised the work on the case, and Legal Assistant **Lynda Johnston** provided critical support. (11/3/2008)

- ◆ Last year, the Criminal Defense Clinic began representing Alex Maese, who was convicted and sentenced to life in prison, at the age of 53, for possession of some cotton containing 0.25 grams of heroin. Two clinic students, **Cameron Johnson ('08)** and **Natalie Saba ('09)**, were in charge of the case, supervised by **Mike Romano and Galit Lipa**, with great assistance from **Lynda Johnston**. The clinic filed a petition for habeas corpus in Kern County Superior Court alleging that Maese was denied effective representation of counsel because his trial attorney failed to present any evidence that Maese's heroin addiction was a result of PTSD (despite a clear diagnosis by the VA and lots of studies supporting the link between PTSD and substance abuse.) The first hurdle was to overcome procedural bars—given that the petition was being filed many years after the conviction had become final. This past June, the judge agreed that the clinic had shown just cause for the delay and ordered the District Attorney to respond on the merits. In September, the court ruled that Mr. Maese's constitutional right to effective assistance of counsel was violated and that he was entitled to a new sentencing hearing, at which all the mitigating evidence could finally be presented. After months of preparation and after having prepared a sentencing memorandum, clinic students **Jessica Feinstein ('10)** and **Thomas Scott ('10)** traveled to Bakersfield to represent Mr. Maese at his new sentencing. They argued that the appropriate resolution was for Mr. Maese to finally receive the treatment he has been denied all these years at a rehabilitation facility that is geared specifically for veterans with PTSD and substance abuse. The prosecutor disagreed, arguing that Mr. Maese was a prime candidate for a life sentence. The judge forcefully questioned both Jessica and Thomas, but after over an hour of intense argument, the judge agreed that the interests of justice required that he strike one of the previous strikes. Because Mr. Maese has already served more than the maximum sentence for his offense (once the third strike is disregarded), the judge ruled that he is to be released immediately. This extraordinary result would not have happened without the passionate work of Cameron, Natalie, Jessica and Thomas. (11/11/2008)

- ◆ Twelve years ago to the day, Norman Williams was sentenced to life in prison under the Three Strikes law for petty theft. Mr. Williams is mentally retarded and was homeless at the time of his arrest -- which was for stealing tools from the open cab of a tow truck. Last semester, **Jesse Goodman ('08)** and **Mark Melahn ('09)** filed a habeas corpus petition in Los Angeles Superior

Court, claiming that Mr. Williams' right to effective assistance of counsel was violated at his original sentencing in 1997. This semester, **Kathleen Fox ('10)** took charge of the case and appeared in Superior Court on Mr. Williams' behalf in January. She later facilitated negotiations with the District Attorney and worked with **Lisa Douglass** (of the SLS Social Security and Disability Project) to develop a rehabilitation plan in the event that Mr. Williams should be released. The judge and DA agreed to grant the habeas petition and to re-sentence Mr. Williams to time-served, pursuant to the rehabilitation plan. Mr. Williams will formally be re-sentenced on April 6th. He will be released shortly thereafter from Folsom Prison. Congratulations to Jesse, Mark, Kathleen, Lisa Douglass, **Mike Romano**, **Galit Lipa** and **Lynda Johnston**, who all contributed so much to the case. (3/13/2009)

- ◆ Charles Ramirez was convicted and sentenced to life under the Three Strikes Law in 1995. The police determined that he was under the influence of heroin at the time of his offense. His previous strikes were two non-violent residential burglaries that occurred within one week of another and for which he had served four years in prison. Clinic students **Jennifer Martinez ('08)**, **Jennifer Robinson ('09)**, and **Caeli Higney ('09)** represented Mr. Ramirez in seeking a new sentencing. The students gathered a considerable amount of evidence to support the petition and then drafted a brief and reply brief in support of a new sentencing hearing. Although securing a new sentencing hearing is a tremendously uphill battle, the state court judge agreed that Mr. Ramirez was entitled to a writ of habeas corpus and a new sentencing hearing at which the full range of mitigating evidence could be presented. During a contested hearing at the Torrance branch of Los Angeles Superior Court, **Kathleen Fox ('10)** and **Annie Osborn ('10)** argued that Mr. Ramirez should never have been sentenced to life and that he should be released under a plan they had put in place for him to live in a transitional home supported by the Los Angeles Archdiocese until he is back on his feet. The Los Angeles District Attorney opposed these efforts but at the end of the hearing the judge granted relief to Mr. Ramirez, resentencing him to 6 years. Kathleen's and Annie's work yesterday was the culmination of a two-year project in which clinic students investigated the case, secured a new sentencing hearing, and finally succeeded in winning Mr. Ramirez's release. This is the fourth inmate this year to secure relief from a life sentence through the work of the Criminal Defense Clinic. This is an astonishing accomplishment, due to the wonderful efforts of the clinic's many students, its faculty—**Mike Romano** and **Galit Lipa**—and its wonderful paralegal, **Lynda Johnston**. (4/23/2009)

Environmental Law Clinic

- ◆ The Environmental Law Clinic successfully litigated and negotiated issues involving the environmental impact of California's fish stocking program. Superior Court Judge Patrick Marlette has signed an order requiring the California Department of Fish and Game to implement protections for native species while it completes an Environmental Impact Report for its fish stocking program. Although the Department indicated in July 2007 that it could complete the necessary environmental review by the end of the year and the court therefore ordered compliance by that date, the agency failed to meet that deadline. The clinic's clients were concerned that an additional year of unabated stocking could push some species over the edge of extinction. Thus, the clinic requested that the Court impose protections for native species by limiting stocking of non-native fish to areas where the impacts would be minimal. On November 14, the Court agreed with our clients and told the Department to submit to reasonable protections during the pendency of the review. After two weeks of intense negotiations, the parties were able to agree on protections sufficient to ensure that impacts are minimized during the duration of the review process, while still allowing much of the Department's research, educational, anadromous fish conservation, native fish reintroduction, and recreational angling programs to continue. The latest round of briefing, hearing, and negotiations were handled by **Karrigan Bork ('09)**, Clinical Teaching Fellow **Leah Russin**, and Professor **Debbie Sivas**. The briefing and argument related to the 2007 order to complete the review in the first place was handled by **Paul Spitler ('08)**, **Sierra Martinez ('08)**, **Justin Barnard ('08)**, former clinical-fellow **Holly Gordon**, and Professor Debbie Sivas. **Lynda Johnston** provided extraordinary support. (12/5/2008)

Immigrants' Rights Clinic

- ◆ For the past several years, the IRC has represented Amadou Diouf and Raymond Soeoth, two men who have been subjected to prolonged immigration detention while they fight their deportation cases. Along with the ACLU Immigrants' Rights Project and the ACLU of Southern California, the IRC prevailed in district court, and Mr. Diouf and Mr. Soeoth were released from detention. The government appealed their cases to the Ninth Circuit, where the cases were consolidated with two other prolonged detention cases. IRC and the ACLU wrote detailed amicus briefs in the other two cases. Recently, the Ninth Circuit issued landmark decisions in two of the cases, holding that non-citizens who challenge their deportation and obtain stays of removal from the Ninth Circuit, must be given bond hearings before they can be detained. The IRC is still awaiting a decision in one of the cases (Mr. Soeoth's case was settled out of court). IRC students **Mark Baller ('08)**, **Michael Kaufman ('07)**, and **Kimere Kimball ('08)** worked on the prolonged detention cases. (8/6/2008)
- ◆ The IRC just issued a white paper entitled, "Limited English Proficient Parents and the Juvenile Justice System: A White Paper on Language Access in San Mateo County, California." Prepared on behalf of IRC client Asian Americans for Civil Rights and Equality (AACRE), the white paper joins a small but growing national and state-wide conversation on the ability of Limited English Proficient (LEP) parents with youth in the juvenile justice system to effectively communicate with probation departments about their children's cases. The white paper looks closely at language access issues at the county probation department in San Mateo County, California and presents preliminary recommendations for the County. IRC students **Yara Lomeli-Loibl ('09)**, **Kavita Narayan ('08)**, **Alice Yuan ('08)** and **Ruthie Zemel ('09)** worked on the report, building off earlier work performed for AACRE by former IRC students **Liz Morris ('08)**, **Hillary Ley ('07)** and **Olga Kuskova ('07)**. (8/6/2008)
- ◆ The IRC represented A.T., who had previously obtained temporary relief under the Violence Against Women Act (VAWA) in an adjustment interview. Because of IRC's advocacy, A.T. finally received her green card. Former IRC students **Hewan Teshome ('08)** and **Pete Schermerhorn ('08)** prepared the client's original VAWA self-petition, which allowed her to pursue the path to receiving a green card. (8/6/2008)
- ◆ The Immigrants' Rights Clinic is working to help their clients shine a light on the government's stipulated removal program. This is a program by which immigration authorities deport detained immigrants without any hearing before an immigration judge, and without apprising the immigrants of any legal rights they might have to resist deportation. Representing their clients--the National Lawyers Guild-SF Bay Area, National Immigration Law Center, and ACLU of Southern California--the clinic has filed a complaint in federal district court under the Freedom of Information Act (FOIA). The complaint seeks to compel the federal government to disclose what has until now been unavailable information about the exact scope and nature of the stipulated removal program. **Eunice Cho ('08)** worked on both the stipulated removal FOIA request and drafting the complaint. Many thanks as well to **Jennifer Lee Koh** for all her excellent work on the complaint as well as to **Octavio Gonzalez** for his support with the filing. The IRC is directed by Professor **Jayashri Srikantiah**. (12/12/2008)
- ◆ The Immigrants' Rights Clinic submitted an amicus brief on behalf of the American Immigration Lawyers Association to the Ninth Circuit Court of Appeals in opposition to the government's petition for rehearing *en banc* in *Kawashima v. Mukasey*, 530 F.3d 1111 (9th Cir. 2008). **Ling Lew ('09)** and **Mindy Jeng ('09)** worked on the brief, which raised a cutting edge issue in immigration law -- how immigration courts should evaluate prior fraud convictions. The IRC's brief argued that the immigration courts should continue to apply a categorical approach when determining whether noncitizens face deportation as a result of certain criminal convictions. (4/11/2009)

- ◆ **Katrina Eiland ('10), Michelle Parris ('10), Tina Cheng ('10) and Brian Goldman ('10)** worked with Congregations Organizing for Renewal (COR), a community-based organization in Hayward, California, to investigate concerns about local law enforcement agents enforcing federal immigration laws, and to provide COR with recommendations for potential legislative solutions. Katrina and Michelle developed and led several community-based events, conducted in Spanish, to gain firsthand information about community residents' experiences with local police, and authored a report on their findings. Tina and Brian conducted a nationwide analysis of possible legislative solutions to local police-immigration enforcement, and presented their recommendations to community leaders working to prevent local police from enforcing federal immigration laws in Hayward. COR is now well-equipped to conduct local advocacy to obtain an ordinance that prevents police from targeting immigrant communities. (4/11/2009)
- ◆ **Matthew Mao ('10) and Louise Nutt ('10)** worked with Next Door Solutions to Domestic Violence, an agency that serves survivors of domestic violence in Santa Clara County, on a project to enhance battered immigrants' access to legal representation in the South Bay. After applying their knowledge of the range of immigration remedies available to survivors of domestic violence and familiarizing themselves with Next Door's woman-defined advocacy model, Matt and Louise revised the process used by Next Door to screen potential clients for eligibility for immigration relief. (4/11/2009)
- ◆ **Laura Hurtado ('09) and Jeff Walker ('10)** overcame the odds to secure the release of their client, Mrs. A, from a lengthy period of immigration detention. Under the federal government's mandatory detention laws, Mrs. A was required to be incarcerated under civil removal (deportation) charges despite the fact that one of her three U.S. citizen sons has health issues that require Mrs. A's care. After conducting extensive legal and factual research into possible avenues for relief for their client, Laura and Jeff developed a legal argument of first impression regarding Mrs. A's eligibility for humanitarian relief from deportation, which they presented in a brief filed with the San Francisco Immigration Court. After receiving Laura and Jeff's brief, the government moved to terminate proceedings, which allowed their client to be released from detention and reunited with her family. (5/13/2009)
- ◆ **Anna Greene ('10) and Samantha Barbas ('10)** represented an undocumented women from El Salvador who is a survivor of domestic violence, and was placed into removal (deportation) proceedings because she did not appear for a fingerprinting appointment after filing an application for immigration relief eight years ago. Anna and Samantha's advocacy on behalf of Mrs. V included filing a U visa on behalf of their client, which required them to convince a Deputy District Attorney to certify that their client was helpful in the investigation and prosecution of her abuser, work with an expert witness to document the effects of the domestic abuse on their client's psychiatric state, obtain police and court records, and conduct multiple interviews of their client and various witnesses. Anna and Samantha also determined that their client was eligible for a second form of immigration relief for nationals of El Salvador known as Temporary Protected Status (TPS), and successfully requested that the immigration judge reconsider their client's TPS application at an immigration court hearing, where they presented oral advocacy on behalf of their client. As a result of Anna and Samantha's representation, Mrs. V is on a pathway to legalizing her immigration status in the near future. (5/13/2009)

International Human Rights Clinic

- ◆ Under the leadership of Professor **Barbara Olshansky**, teaching fellow **Kathleen Kelly** and legal assistant **Esther Ng**, ten clinic students spent five weeks in the Spring of 2008 participating in human rights work on the ground in Namibia, a flourishing democracy in southern Africa, only 18 years out of Apartheid. The ten students worked closely with the University, the Ministry of Justice, and various NGO partners on the following projects:
 - University of Namibia Katatura Legal Aid Clinic: Law students **Lianne Labossiere ('09)** and **Bola Olupona ('09)** worked alongside the former Dean of the Law Faculty of the

- University of Namibia and Namibian law students to administer a sample needs assessment to the residents of the township of Katatura and develop strategic planning recommendations for the first and only free legal services clinic in Namibia.
- HIV/AIDS Forced Sterilization Case: IHR Clinic students worked with the HIV/AIDS Project of the Legal Assistance Centre (LAC), Namibia's premier human rights NGO, to assist the organization in filing a groundbreaking HIV/AIDS discrimination case on behalf of women who have been forcibly sterilized during cesarean sections based of their HIV positive status. Working closely with Linda Dumba of the LAC's HIV/AIDS Project, law students **Megan Karsh ('09)**, **Mridula Shrestha ('09)**, and **Lianne Labossiere ('09)** assisted in the filing of a groundbreaking case of first impression concerning the forced sterilization of a woman during labor and delivery of her child by caesarean section because she was HIV positive. The case will go to trial later this year.
 - Mining Law and Environmental Human Rights: IHR Clinic students worked with the Land, Environment and Development Project at the LAC to file the first environmental test case in Namibia and to prepare a factual assessment of the problems around the lack of transparency in the process of obtaining mining licenses in Namibia and the resulting environmental damage and human impact in terms of access to water. IHR clinic students **Andrew Ardinger ('09)**, **Josh Kretman ('09)**, and **Bola Olupona ('09)** constituted the research team working under LAC's direction to file the test case against a Canadian mining company that had received unlawful permits. The students assisted in providing research to assist LAC to bring an emergency petition for a temporary injunction to halt the extraction of water pending an analysis of the viability of the permit in light of the severe environmental impact that would result. In a nationally publicized decision issued during the students' time in Namibia, the High Court held the permits to be invalid.
 - Judicial Capacity Building: Working in conjunction with the International Justice Network, a U.S.-based NGO, the Justice Training Center of the University of Namibia, and the Namibian Ministry of Justice, IHR Clinic students assisted in the creation and implementation of a sustainable open source web-based system that will enable Namibian judges to collaborate with each other, review important opinions immediately, and access key domestic and international legal materials. Students **Ling Lew ('09)**, **Vishnu Sridharan ('09)**, **Geoff Swenson ('09)**, and **Alexa Van Brunt ('09)** successfully completed an extensive needs assessment of the Namibian magistrates, meeting in person with over one-quarter of magistrates in the country and hosting a conference for several top-level government officials to lay out the findings of their assessment and set forth suggestions for how to adequately meet the needs that magistrates raised.
 - Convention Against Torture Legislation: **Andrew Ardinger ('09)** and **Josh Kretman ('09)** were victorious in drafting legislation implementing the International Convention Against Torture and lobbying for its introduction into Parliament. Andrew and Josh spent the entire semester researching potential legislative frameworks for the implementation of CAT in Namibia, analyzing the legislative history surrounding the enactment of CAT, providing a summary of laws implementing the CAT internationally, as well as a qualitative analysis of which of these laws has been most effective and why, which culminated in recommendations for legislative language for consideration by the appropriate members of government. Andrew and Josh took their 30-page proposed draft bill to Parliament, lobbying various members of government to move forward with the legislation. Thanks to the savvy advocacy efforts of Andrew and Josh, the Namibian Law Reform Commission approved their proposed draft bill and will introduce it for a vote before Parliament in the coming year. (8/4/2008)
- ◆ The **International Human Rights Clinic** received word of an extremely successful resolution of one of their cases. The U.S. Government freed JoJo Ahmad, a 22-year old Afghan journalist who had been working for CTV, the largest private television network in Canada. The government held Mr. Ahmad for 11 months claiming that he was an enemy combatant. This summer IHRC lawyers filed a petition on Mr. Ahmad's behalf for a writ of *habeas corpus* and complaint for declaratory and injunctive relief in the United States District Court for the District of Columbia against President Bush and Secretary of Defense Robert Gates. The suit asked the court to use its authority to

compel the President and the U.S. military to establish a lawful basis for Ahmad's detention or to release him immediately. After extensive negotiations, the government has now responded by releasing Mr. Ahmad. Results like this do not happen without extraordinary efforts by many devoted advocates. In this case, IHRC director **Barbara Olshansky** and clinical teaching fellow **Kathleen Kelly** worked on the case, together with two IHRC students: **Kelly Lowenberg ('09)** and **Elle Jung ('10)**. They were assisted by IHRC Legal Assistant **Esther Ng. Tina Monshipour Foster**, Executive Director of the International Justice Network, was co-counsel in the case. (9/23/2008)

- ◆ Working in the IHR clinic, four of our students, **Elena Maria Coyle ('10)**, **Martine Ciccone ('10)**, **Jordana Mosten ('10)**, and **Julian Waldo ('10)**, represented three foreign nationals who were seized outside of Afghanistan, transported to the U.S.-controlled facility at Bagram, and held for more than six years without charges. The petitioners asked the District Court to use its authority to compel the United States military to afford them the due process rights under domestic United States law and international law, and to release those individuals for whom no basis exists for further detention. Last week, U.S. District Court Judge John D. Bates of the United States District Court for the District of Columbia ruled that these detainees enjoy the right to challenge the legality of their detention before a federal judge in a United States court. The judge accepted the Clinic's arguments that the Supreme Court's 2008 decision (in *Boumediene v. Bush*) enabling Guantánamo detainees to seek the protection of the writ of habeas corpus also applies to Bagram detainees. This decision caps a long effort by IHR students, led by Professor **Barbara Olshansky** and Clinical Teaching Fellow **Kathleen Kelly**, with the able assistance of paralegal **Esther Ng**. (4/9/2009)

Organizations and Transactions Clinic

- ◆ **Andrew Hall ('09)** and **Clare Reilly ('09)** drafted multiple commercial agreements for and provided corporate governance advice to an East Coast nonprofit whose mission is bringing together consumers and businesses in the fight against global climate change. They worked with the client on designing a new consulting and outreach program, and prepared contracts relating to trademark licensing activities, joint projects with other nonprofits and other matters. Clare and Andrew also developed an agreement for use by a rapidly-growing San Francisco youth development nonprofit in collaborating with other organizations around the country interested in operating similar programs. (12/14/2008)
- ◆ **Daniel Bernstein ('09)** and **Rachel Nass ('09)** worked with a Sebastopol-based food system reform nonprofit on governance and contract matters and represented the organization in connection with its pending acquisition of a sustainable food program from an East Coast nonprofit. The team prepared diligence, project planning, sponsorship, asset transfer and board documents relating to the transaction and interacted regularly with the client's CEO and with counsel for the other party to the transaction. Dan and Rachel also assisted a South Bay youth development nonprofit on a review of its governance arrangements. (12/14/2008)
- ◆ **Juliana Tutt ('10)** and **Shawna-Gay White ('09)** helped a Davis nonprofit whose mission centers on fostering sustainable family-scale farming. They provided advice about consumer communications, drafted program contracts and created a high-level website design relating to management of a statewide local food system initiative. The team also prepared, for use by the client's board, a report about legal aspects of a proposed change in organizational structure, and prepared licensing and other commercial contracts. In addition, Juliana and Shawna drafted trademark licensing agreements for a prominent internet-based nonprofit in San Francisco. (12/14/2008)
- ◆ **Ashley Hannebrink ('10)** and **Ryan Loneman ('09)** assisted with the start-up of a Northern California project focused on providing military veterans with employment training and opportunities in the agricultural sector. They also provided governance and trademark advice to a group of organizations working to support Iraq and Afghanistan veterans, drafted contracts for both a Santa

Clara County community services organization relating to overnight shelter and food bank programs in the South Bay and for a San Mateo County consortium of nonprofits regarding county emergency preparedness programs, and developed governance materials for a long-established Davis sustainable agriculture organization. (5/11/2009)

- ◆ **Blair Albom ('10)** and **Jaime Lucido ('10)** incorporated a project that operates a nutritional, agricultural and environmental education program for elementary school students in San Mateo County and performed a governance review for the CEO of a substantial South Bay nonprofit that provides residential treatment for substance abuse. Blair and Jaime also drafted contract documents for a Sonoma County sustainable agriculture nonprofit relating to local food system reform activities and developed a services agreement for a San Francisco-based national youth education and mentoring program for use with its affiliates around the country. (5/11/2009)
- ◆ **Joe Gorman ('09)** and **Laura Zapiain ('10)** helped a Santa Cruz-based national nonprofit organization whose mission is to encourage minority students to enter the sciences. They drafted contracts relating to collaborations and to the organization's relationship with student chapters, and provided corporate advice and documents. Laura and Joe also provided governance advice, developed website click-through agreements and provided risk management advice to the executive director of a Santa Cruz County sustainable agriculture organization. In addition, the team worked closely with a San Mateo County nonprofit, including meeting with its board of directors, on the development of a new senior center in the county. (5/11/2009)

Social Security Disability Project

- ◆ The Social Security Disability Project (SSDP) celebrated a victory this week when an Administrative Law Judge awarded Supplemental Security Income (SSI) benefits for SSDP's client, a 44 year-old homeless man who suffers from mental impairments. The gentleman first came to SSDP for help in Fall of 2007. Despite his apparent mental difficulties, he had no documented history of mental health evaluations or treatment. He repeatedly had applied on his own for SSI benefits, alleging a physical disability, and had been turned down each time. Students **Tyler Poole ('09)**, **Blair Andy Stewart ('09)**, and **Kevin Papay ('10)** worked on the client's administrative appeal, supervised by SSDP director **Lisa Douglass**. Developing evidence in this case was especially challenging because the client's mental limitations prevented him from giving a thorough account of his history. Kevin and Tyler drafted a detailed hearing brief, outlining the evidence of the client's mental disability and arguing that the Social Security Administration had erred in denying him disability benefits. Two weeks prior to the scheduled hearing, the Administrative Law Judge announced that the students' written filing was so persuasive that he was granting the client full benefits without even holding a hearing -- a very unusual occurrence. Thanks to the students' hard work, their client will receive \$935 per month in cash benefits, a \$27,000 back-award and Medi-Cal coverage. The SSDP is an in-house pro bono project operating as part of the John & Terry Levin Center for Public Service and Public Interest Law. All the work of the Levin Center is made possible through the extraordinary leadership of **Susan Feathers**, together with Deputy Director **Anna Wang**, Pro Bono Director **Danielle Cover**, and Program Coordinator **Nancy Patton**. (10/13/2008)
- ◆ Students **Thomas Scott ('10)** and **Paul-Jon Benson ('10)** appeared last week at an administrative hearing on behalf of a 41 year-old man who had become homeless about 20 years ago, when he began experiencing psychotic symptoms as the result of the onset of chronic paranoid schizophrenia. When Scott and Paul-Jon began working with the client 18 months ago, his schizophrenia remained undiagnosed and untreated and the record contained no evidence of disability. The students developed a strong record by helping the client pursue ongoing therapy and drafting declarations from psychiatrists and several other professionals. As a result of the students' efforts, the administrative law judge granted a fully-favorable decision including ongoing cash benefits, medical coverage and \$22,000 in retroactive benefits. The client will now be able to live at the Opportunity Center indefinitely and will be able to take advantage of mental health treatment and case management services. (4/10/2009)

- ◆ Students **Elisabeth Oppenheimer ('10)** and **Valerie McConnell ('10)** secured ongoing cash benefits, a \$17,000 retroactive award and medical coverage for a homeless woman who had been sleeping in a tent in a Palo Alto creek-bed for the past three years. The client had a 10-year work history as a butcher in high-end grocery stores. However, she lost her job and her housing when she injured her back and experienced exacerbation of her mental health symptoms. The students developed the case from a meager record that was complicated by the clients' history of substance use. Days before the scheduled hearing, the administrative law judge granted a fully-favorable decision based on the students' written submissions. As a result, the client has moved out of the creek and into transitional housing as she awaits a long-term apartment. (4/10/2009)

Stanford Community Law Clinic

- ◆ In late 2007 a real estate investment firm purchased over 70% of all the residential rental property in East Palo Alto, all of it clustered on the west side of US 101. Over the course of a few months, this firm issued written notices to all of its tenants notifying them of significant rent increases, as well as new and increased parking, utility, and late fees. The tenants – all low-income people – appealed to City officials to protect them from what they felt were violations of the local rent control ordinance. Clinic students represent over 130 tenants in those proceedings, where tenants are claiming that the City ordinance, now partially preempted by a 1999 state law, caps each tenant's rent at his or her initial contract rent plus any accumulated annual increases permitted under the Ordinance. Three clinic students, **Mike Smith ('09)**, **Elizabeth McCrillis ('09)**, and **Larisa Bowman ('09)**, handled the entirety of the first day of hearing on the tenants' claim. (2/5/2009)
- ◆ **Morgan Harper ('10)** represented a woman whose Section 8 voucher was terminated on the ground that she had failed to attend an annual certification meeting and to keep the Housing Authority informed about changes to the composition of her household. The client, who with her partner was one of the 18,000 same-sex couples to take advantage of the right to marry in the months between the Supreme Court's decision in *In Re Marriage* and the passage of Prop 8, had faxed her marriage license to the HA and notified her caseworker that her wife had moved in to the subsidized unit. Her failure to attend the required meeting was attributable to a medical appointment, of which she had notified the office. Morgan gathered medical records as well as the relevant documents from the HA's own file, and presented the testimony of both her client and her client's landlord at the administrative hearing. Tracking Morgan's argument precisely, the hearing officer issued a decision overturning the termination and reinstating the client's participation in the program. Professor **Juliet Brodie** supervised the case. (4/22/2009)
- ◆ **Valerie McConnell ('10)** and **Cam Phan ('10)** defended an eviction action and negotiated a very favorable settlement on behalf of an East Palo Alto tenant whose landlord sought to terminate her because of allegations that her teenage grandsons were misbehaving on the premises. The client, an elderly woman without education, was very confused about the process and needed to maintain her housing. Val and Cam undertook discovery, including written interrogatories and depositions, and were able to counsel their client on the strengths and weaknesses of the landlord's case. The case presented considerable counseling challenges, as it was very difficult to assess the client's understanding of her legal situation. Val and Cam negotiated an agreement that enabled the family to stay in the apartment for a few months. In exchange for their agreeing to vacate at a specific time, the landlord agreed to dismiss the eviction and pay the tenant a sum of money to assist with relocation. Teaching Fellow **Jessica Steinberg** supervised the case. (4/22/2009)
- ◆ **Larisa Bowman ('09)** and **Rachel Marshall ('10)** co-counseled a wage and hour case that led to a significant lump sum settlement for the construction worker who was their client. This case involved a company that operated an elaborate "off-book" cash system through which it evaded its legal obligation to pay workers overtime premiums. Capping off the investigative work that other clinic students had performed, Rachel and Larisa conducted a half-day hearing, leading their client through direct examination, and walking the hearing officer through the complex calculations that underlay the worker's claim. In the weeks before the hearing was to continue,

Rachel and Larisa undertook the negotiation with defense counsel that resulted in the settlement. Former SCLC students **Malcolm Hochenberg ('08)**, **Matt Rubin ('08)** and **Jess Oats ('09)** also worked on the case, which was supervised by Professor **Juliet Brodie**. (5/6/2009)

- ◆ In one of the most moving cases of the SCLC semester, **Michael Smith ('09)** successfully represented his client in expunging seven convictions from his record. Like many of the clinic's expungement clients, this gentleman was a middle aged man, who'd been addicted to drugs and alcohol as a youth, and who committed drug and property crimes as part of that life. At the time that Mike represented him, this client had been clean and sober for over 25 years, ran a successful business, and assisted many others with sobriety and other rehabilitative activities. Mike argued seven discretionary motions at two separate hearings in front of two different judges. In both instances, the court found Michael's arguments persuasive. In an unpredictable and tragic turn, the client passed away soon after the expungement case was concluded. Close friends and family reported that he literally was thinking about Mike's work at the end of his life, and was grateful to have experienced the court's recognition of the profound turn around he'd achieved of his life. **Tom Zimpleman ('08)** also worked on the case when an SCLC student. (5/12/2009)

Supreme Court Litigation Clinic

- ◆ The Supreme Court ruled in favor of the clinic's client in *Cone v. Bell*. Mr. Cone is a Vietnam veteran who was convicted of murder two decades ago in Tennessee and was sentenced to death. Mr. Cone's central argument at sentencing for avoiding the death penalty was that he was in a PTSD-induced methamphetamine high at the time of the killings. Years after his trial, Mr. Cone's lawyers discovered extensive evidence that the State had suppressed that supported his defense. Mr. Cone sought relief in the Tennessee courts and was turned away. He then sought relief from the federal courts. The Sixth Circuit ultimately held that his claim was procedurally barred and suggested that it lacked merit anyway. The clinic successfully sought certiorari from this decision and, on Tuesday, the Supreme Court vacated it by a 6-3 vote. The Court held that the State had misrepresented the case's procedural history to the federal courts and that Mr. Cone's claim was not, in fact, procedurally defaulted. The students in the clinic were able not only to master this material but also to present it so compellingly that the Court was moved to expend its scarce resources to correct the injustices below -- a type of "error correction" in which it rarely engages. Team members at various times included **Scott Stewart ('08)**, **Barbara Thomas ('09)**, and **Alan Mouristen ('09)** (on cert), and **Ruthie Zemel ('09)**, **Jess Oats ('09)**, and **Dave Muraskin ('09)** (on the merits). **Josh Friedman ('09)** and **Dan Matro ('08)** worked on the case as well last summer. Clinic instructor **Tom Goldstein** headed up the project and argued the case, backed by clinic instructors **Pam Karlan**, **Jeff Fisher**, **Kevin Russell**, and **Amy Howe**. **Joanne Newman** provided outstanding support. (4/30/2009)
- ◆ The Supreme Court Litigation Clinic experienced another victory when the Supreme Court held unanimously in *Florez-Figueroa v. United States* that in order to convict someone of federal aggravated identity theft, the government must prove not only that the defendant used fraudulent identification but also that he knew the identification belonged to another person. The decision vacates the clinic's client's conviction for the crime. The decision also will terminate the governmental practice of charging illegal aliens with aggravated identity theft in order to pressure them to plead guilty to a lesser crime and to agree to voluntary deportation, waiving any potential ability to obtain asylum or any other kind of relief. The following students worked on the merits briefs in the case: **Dan Matro ('10)**, **Josh Friedman ('09)**, **David Owens ('09)**, **Lisa Ehrlich ('09)**, and **Brian Goldman ('10)**. Josh also helped with the cert petition this past summer. Clinic instructor **Kevin Russell** principally supervised the project and argued the case, aided by the other instructors. The immigration implications of the case also afforded an opportunity for valuable collaboration with **Jayashri Srikantiah** of the Immigrants Rights Clinic. As always, **Joanne Newman** provided outstanding support. (5/8/2009)
- ◆ The Supreme Court Litigation Clinic experienced another major victory yesterday. By a 5-4 vote, the Supreme Court held in *Melendez-Diaz v. Massachusetts* that a criminal defendant has a

constitutional right under the Confrontation Clause to bar the government from introducing a forensic lab report as a substitute for live testimony from the analyst who performed the test. The Court's decision will now require at least two-thirds of U.S. states, as well as the federal government, to alter the way they introduce forensic evidence in criminal trials. It also sets the stage for further expansion of the Confrontation Clause rights the Court recognized in *Crawford v. Washington*, indicating that *any* report or certification prepared for evidentiary reasons is "testimonial" in nature, and thus subject to the Sixth Amendment. Three clinic students -- **Dan Matro ('10)**, **Jess Oats ('09)**, and **JP Schnapper-Castreras ('09)** -- lead the merits briefing effort in the case. Two other clinic students -- **Molly Cutler ('08)** and **Chad Clamage ('08)** -- helped write the petition for certiorari the year before. Clinic Co-Director **Jeff Fisher** was the lead instructor and argued the case. The clinic received outstanding support, as always, from paralegal **Joanne Newman**. (6/26/2009)

Youth and Education Law Project

- ◆ YELP students **Shannon Hodge ('10)** and **Zoe Palitz ('10)** recently scored a victory on behalf of their 10-year-old client, R.R., who has autism spectrum disorder (ASD). Recent years have witnessed a dramatic increase in the number of students diagnosed with ASD. ASD is a developmental disability marked by a combination of symptoms including impairments in social interaction, communication deficits, and restrictive or repetitive patterns of behavior. After unsuccessful informal negotiations with the school district, Zoe and Shannon filed a detailed complaint with the California Office for Administrative Hearings to compel the District to properly identify R.R.'s disability and provide her with appropriate services. In preparing for the administrative trial, Shannon and Zoe worked with expert consultants, reviewed extensive educational records, and began to develop trial testimony. Significantly, Zoe and Shannon drafted a lengthy mediation brief and took the lead in a formal mediation. Through several hours of mediation and creative negotiation thereafter, Shannon and Zoe were able to settle R.R.'s case by ensuring that she would receive appropriate social skills training, appropriate behavioral goals and interventions, and protection from being disciplined due to behaviors that are symptoms of her disability. Shannon and Zoe were supervised by YELP Clinical Teaching Fellow **Brenda Shum** and YELP Director **Professor Bill Koski**. YELP's legal assistant, **Joanne Newman**, provided critical support. (2/9/2009)
- ◆ Youth and Education Law Project students **Katrina Rouse ('09)**, **Julia Van Roo ('10)** and **Justin Chapa ('10)** achieved a successful outcome on behalf of one of their clients. Katrina, Julia and Justin represent an eleven year old girl in the Ravenswood City School District in East Palo Alto. For years, this student has struggled to overcome the challenges presented by her ADHD and a possible learning disability. In November of 2008, Katrina and Julia filed a compliance complaint with the California Department of Education (CDE) alleging that the District had violated federal and state education law. In February of 2009, the CDE found that Ravenswood City School District had failed to comply with legal mandates for timely assessment. The CDE ordered the District to undertake a number of corrective actions, including an independent speech and language assessment and a complete psycho-educational evaluation to determine whether this student suffers from an underlying learning disability. Katrina and Justin also facilitated a meeting with District representatives to revise their client's individualized education plan. As a result, the District agreed to provide additional specialized academic instruction to address her deficits in speech and language, writing and science. Congratulations to Katrina, Julia and Justin, to Clinic Director **Professor Bill Koski**, clinical teaching fellow **Brenda Shum**, and paralegal **Joanne Newman**. (2/25/2009)