

# C L I N I C

## IMMIGRANTS' RIGHTS CLINIC: SUCCESS LIES IN PLANNING

By Sharon Driscoll

**B**EING A VICTIM OF DOMESTIC VIOLENCE IS DEVASTATING, BUT HAVING A VIOLENT SPOUSE THREATEN TO HAVE YOU DEPORTED FROM THE COUNTRY CAN MAKE AN ALREADY DIFFICULT SITUATION MUCH WORSE. Sadly, this is an all too familiar scenario encountered by students working in Stanford Law's Immigrants' Rights Clinic (IRC), but one for which there is a legal remedy—and a learning opportunity. • “Marta,” an immigrant from Mexico, had been with her husband, a U.S. citizen, for several years before he became physically violent. He'd promised to file her application for permanent resident status but never did. When she finally left him he threatened to report her to the immigration authorities if she didn't return. So her situation was bleak when she brought the case to the IRC. Not only was she afraid of her husband, she was afraid of being thrown out of the country and separated from her children. • The first thing that Ling Lew '09 and her clinic partner Mindy Jeng '09 did when they were assigned Marta's case was to come up with a strategy. They worked closely with IRC Director and Associate Professor of Law Jayashri Srikantiah and Cooley Godward Kronish Clinical Teaching Fellow Jennifer Lee Koh to develop a detailed case plan that included a play-by-play outline of everything from client interviews to a list of witnesses to a legal brief. • “Preparation is everything,” says Lew. “It's something that Professor Srikantiah drilled into us.” • During class time, they readied for their case by reviewing—and reviewing again—their case plan. They prepared for interviews by videotaping role-playing exercises—each taking a turn at interviewing the “client”—and then studying their work in playback. They wrote numerous drafts of the letter brief that they ultimately submitted to the immigration authorities on Marta's behalf.

And they met with a Stanford psychiatrist, a faculty member at the School of Medicine who works regularly with the IRC.

“This was my first time working in depth with someone who had experienced domestic violence,” Lew says. “Having the benefit of professional psychiatric advice was invaluable. We eased into the discussion of abuse and didn't even ask our client about it in our first interview. We had to build trust.”

Lew and Jeng filed a petition for legal status for Marta under the Violence Against Women Act and, thanks to their efforts, she has been granted a work authorization permit and is waiting for the results of the petition.

The clinic targets two areas of great need in Northern California and ones which were not being fully addressed by existing legal services organizations—assistance for immigrant survivors of domestic violence and immigrants facing deportation from the United States because of past criminal convictions. Started four years ago by Srikantiah, Stanford Law's IRC is now working at capacity with many more clients seeking representation than the clinic can take on. “We're constantly inundated with requests for help,” says Srikantiah. “It's gratifying to see students graduate from the clinic and go on to assist immigrants in their practice, whether on a pro bono basis or full time.”

Along with direct service client cases, students in the clinic are also assigned to work on legal advocacy projects

### Case Roundup

The **Community Law Clinic's** Larisa Bowman '09 and Christina Rubalcava '09 successfully represented a client who faced eviction because his disability benefits had ended and he could no longer afford to pay rent. In addition to negotiating a move-out date that coincided with his entry into a substance-abuse treatment facility, Bowman and Rubalcava obtained a \$1,000 judgment for their client. Peter Bach-Y-Rita '09 filed and was granted a motion in the Santa Clara County Superior Court to have the records of a

client expunged. His client was convicted of a misdemeanor in the 1970s, but has since turned his life around and become a leader in the local AA community.

**Criminal Defense Clinic** faculty and students, including Jordan Blumenthal '09 and Erin Schanning '09, obtained a new hearing for a client whose attorney failed to present powerful mitigating evidence. The client was sentenced to life imprisonment under California's “three strikes” law following a felony conviction for making violent

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representing immigrants' rights organizations ranging from the American Immigration Lawyers Association to local nonprofits on everything from developing know-your-rights materials to impact litigation. For Alison Sylvester '09 and Julia Weiland '09, that meant putting aside more traditional lawyerly work to write an opinion piece on unlawful immigration raids. The piece was published in May 2008 in the *San Francisco Daily Journal*.

"I think it's important to help individuals, but it's equally important to advocate on behalf of a whole group and to get the message more widely known," says Sylvester. "This is particularly relevant to immigration cases, which can be so emotionally charged, and a lot of that comes out in the media. It's important for lawyers with some training and experience in the field to put forward an informed view."

Now in the advanced clinic—and her last year at Stanford Law—Lew is thankful she had the opportunity to cut her lawyerly teeth in the supportive environment of the IRC.

"I feel well prepared," says Lew. "And learning in the clinic, we had the luxury of teachers who gave us good feedback and ensured we learned the skills we will need. We also had the luxury of time—time to absorb the lessons, and time to reflect on them. It has been a tremendous experience, both rewarding in helping our client and in learning how to be a good lawyer." **SL**

threats in a verbal altercation. Blumenthal and Schanning investigated the case and filed a habeas corpus petition in state court.

The **Environmental Law Clinic** recently received summary judgment in a suit seeking a fee waiver for the Center for Biological Diversity under the Freedom of Information Act. Noah Long '08 argued the case and convinced the court that the Office of Management and Budget had unlawfully denied the fee waiver.

In June, the **International Human Rights Clinic**, acting as co-

counsel with the International Justice Network, filed a lawsuit against the United States government on behalf of Canadian journalist Jawed Ahmad. Ahmad has been held without charge in military custody at the detention facility at the U.S. Air Base in Bagram, Afghanistan, since October 2007. [To read about the clinic's recent work in Namibia, see page 40.]

The newly launched **Organizations and Transactions Clinic's** first semester last spring reaped significant results. Among them, Bev Moore '09 and Jon Novotny

'08 designed a model contract for a Bay Area county to use when engaging mental health care providers; Susan Cameron '08 (BA '03) and Alice Yuan '08 played a central role in planning and documenting a pending merger of six nonprofit charter schools; and Brent Harris '09 (BA/MA '04) and Melissa Wagner '08 worked with an East Palo Alto nonprofit to draft contract documents for establishing a new farmers market in the city.

The **Youth and Education Law Project** successfully handled

a case involving an elementary school student with a traumatic brain injury and severe visual impairments whose school was trying to move her to a classroom without support for visually impaired students. Thanks to Alexis Casillas (visiting student) and Inbal Naveh '09, who interviewed teachers, parents, and administrators, reviewed medical reports, and located a national expert who conducted a vision analysis of the student, the school voluntarily withdrew its claim against the student and her parents.