IP & Tech Clinic a Vital Resource for Documentary Filmmakers

For many artists and filmmakers, hiring a big-name attorney is not a financial option. So it’s no surprise that from its launch in 2005, many have turned to USC Gould’s Intellectual Property and Technology Law Clinic (IPTLC) for legal advice and representation.

The IPTLC has since become a leading voice for artists and documentarians in key policy debates at the heart of the most pressing problems they face in the digital age, placing USC Gould students at the heart of vexing challenges where copyright law and digital technology meet.

“We are very proud of our advocacy for documentary filmmakers and other creators,” said USC Gould Prof. Jack Lerner, director of the IPTLC. “At the same time, we provide an important learning platform for clinic students who will soon be practicing IP law in the real world.”

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“The IPTLC has made a number of significant contributions to the documentary filmmaking community,” said Michael Lumpkin, executive director of the International Documentary Association, a clinic client. “Without the support of the clinic’s efforts in public interest advocacy, it would be much tougher for documentary filmmakers to do the critically important work they do throughout the world.”

Two significant milestones in the IPTLC’s work on behalf of documentary filmmakers occurred in 2010 and 2012, when students won historic copyright exemptions that allow documentary filmmakers and multimedia e-book authors to obtain materials from DVD and online media for use in their films when making criticism and commentary.

“It’s truly an honor to take part in the very important work of the court,” said Garry, founding director of USC Gould’s International Human Rights Clinic (IHRC). “I know this will be an extremely interesting comparative experience. The ICC is a unique jurisdiction in international criminal law as the first permanent, independent international court established to end impunity for atrocities around the globe.”

USC Gould Dean Robert K. Rasmussen (please see International Court on page 7)
When USC Gould launched its Mediation Clinic in 2007, alternative dispute resolution was already one of the fastest growing areas of law. Today, with the courts under unprecedented strain due to budget cuts, mediation is more important than ever. Under the direction of Adjunct Professor Lisa Klerman, USC Gould’s Mediation Clinic teaches students dispute resolution skills by mediating cases in Los Angeles Superior Court. The clinic is so popular that the courts under unprecedented strain due to budget cuts, mediation is more important than ever. Under the direction of Adjunct Professor Lisa Klerman, USC Gould added an Advanced Mediation Clinic in 2010. Below are first-person accounts from the inaugural Mediation Clinic class of 2007. They share how the clinic shaped them as attorneys and helped them in the practice of law.

**SEAN KUNDU ’07**

I was one of the founding members of the Mediation Clinic at USC Gould. The clinic was unlike any other class I took while in law school. It provided me with tools and skills like active listening that have helped me become a better lawyer.

I practice employment law at Morgan Lewis, where I must regularly communicate with opposing counsel. Many of my cases end up in mediation. Using skills I learned in the Mediation Clinic, I have been able to informally resolve disputes, rather than seek court intervention.

One of the most memorable cases I mediated involved a dispute between a pastor of a community church and the church’s board. There were several complicated issues to be resolved, including the plaintiff accusing the church members of murdering his sister and requesting that the church provide him with a potentially fraudulent sponsorship letter. Despite the fact that neither party spoke English, my peers and I worked out an agreement and avoided court intervention.

This case was eye opening. It showed me that even the most dire situations could be resolved through strategic mediation. Many attorneys tend not to listen carefully to opposing parties and overlook their clients’ true interests. My prior experiences at the clinic taught me to be an active listener, which has helped me succeed in my career.

**ADAM RAVITCH ’07**

I realized, after graduating law school and starting my career, the skills I took away from the Mediation Clinic were useful skills in any field.

I practice intellectual property law at Austin, Rapp & Hardman, and my practice is focused on the preparation and prosecution of domestic and international patent applications. I spend much of my time corresponding with patent examiners, who sometimes take on questionable positions. They can be difficult to respond to, since patent examiners are both judge and opposing counsel, but the Mediation Clinic taught me how to re-frame statements, listen actively and control volatile situations. Having these skills means I take on cases with more confidence.

But I have also applied what I learned from the clinic to areas outside my legal career. I served as the leader of an inner-city Latter-day Saint congregation, and in that ecclesiastical role, I frequently counseled individuals experiencing serious challenges, like overcoming drug addictions, and couples experiencing marital difficulties. Often there were emotional issues involved where it was critical that I listen carefully and frame my statements in an edifying way, as I learned to do in the clinic.

By mediating real disputes through the Mediation Clinic, I developed a more practical, problem-solving mentality for addressing issues, legal and otherwise, which is what made it such an incredible learning experience.

**AUDREY CHUI SHEN ’07**

In law school, I gained a deeper understanding of and appreciation for the changing and fluid nature of mediation and settlement negotiations.

I learned how to anticipate issues, think on my feet and think creatively about alternative solutions that the disputing parties may not have considered. And with the Mediation Clinic, I was able to develop and practice these skills in live settings.

The clinic encouraged me to think more broadly about the big picture and taught me how to take a step back to figure out what the parties really want. This makes it much easier to achieve results on behalf of my clients. And the practical, real-world experiences I had gave me a leg up on the steep learning curve that all new attorneys face when starting their first job out of law school.

My best memory of the Mediation Clinic was meeting with Los Angeles Superior Court Judge Alexander Williams III (now retired), who, at the time, was the settlement conference judge at Los Angeles Superior Court. We observed him handle a mediation and were then able to ask him questions.

I encourage all students to take the Mediation Clinic, or another clinical course that interests them, because of the hands-on, practical experiences that clinics offer. Any opportunity to practice skills in real-life settings is invaluable.
Business-Minded Law Students Drawn to Small Business Clinic

When Katherine Baudistel ’13 enrolled at USC Gould, one of the first things she did was investigate the school’s Small Business Clinic. With an undergraduate degree in business and strategic management, she wanted to develop practical legal skills with an emphasis on entrepreneurship.

“I have always had an interest in business and law, and the SBC seemed like a great fit for me,” said Baudistel, who will start this fall at Stutman, Treister & Glatt in Century City. “I have worked with many interesting clients and learned so much. The SBC has truly been one of the most rewarding experiences I have had while at USC.”

Under the direction of Prof. Michael Chasalow, SBC students offer basic corporate legal services to small businesses, including setting up corporations, limited-liability companies and other entities. The students also gain experience drafting a wide range of contracts, promissory notes, waivers and terms and conditions for websites. In addition, students help clients to create agreements that define the rights and responsibilities among co-owners of a business, and they review leases. Currently, 10 clinic students are helping about 40 clients.

Katie McKitterick ’14 has four clients this semester, including an animated filmmaker who is creating a documentary highlighting the centrality of women during the 2011 Egyptian Revolution and in the post-Mubarak era.

McKitterick and her client, Tamara Shogaolu, a USC cinema graduate student, are creating a Limited Liability Company (LLC) and drafting several internal legal documents to protect Shogaolu’s film company, Sawt, LLC.

“Creating and drafting these agreements for my clients has been a challenging and fun process,” said McKitterick. “I came to USC law for its Small Business Clinic, and I can say now that it is unlike anything I have done so far in law school, and I am learning so much from that practice.”

Shogaolu believes the clinic has been vital to her film company’s success. “Katie and the clinic have been more than thorough,” she said. “I feel like they’ve explained things that could be complicated in a clear way. So many of us just can’t afford an expensive attorney but need legal help. This clinic offers an amazing service.”

Chasalow, who founded the clinic six years ago, said his goal is to arm future attorneys with lawyering skills and learned the intricacies of business law through his clinic work.

“Working one-on-one with clients has been an invaluable part of the clinic experience,” Thai said. “Being tasked with the responsibility of ‘taking charge’ of a client can be a bit daunting at first, but we know we have Prof. Chasalow right there to help us, if needed.”

Baudistel, who is working with the owner of a tutoring service for children with autism and a business that distributes camel’s milk, said the most satisfying aspect of the clinic is helping people who otherwise couldn’t afford legal assistance.

“My clients have been very grateful for the help that they have received from the clinic and from me,” she said. “I really enjoy helping them resolve some of their legal issues, and I realize that I have learned so much throughout my time at the clinic.”
USC Gould Grad Secures Coveted Clerkship with Lebanon Tribunal

USC Gould School of Law graduate Brian Rifkin ’11 has accepted a competitive one-year fellowship working with the Special Tribunal for Lebanon Chambers in The Hague. Rifkin, who starts his new job this summer, will work as a law clerk in Tribunal President David Baragwanath’s office, assisting appeals judges with legal research, writing and analysis and monitoring developments in international law. He may also work on reports to the United Nations Security Council as well as be involved with diplomatic consultations.

“I am excited and honored to be chosen for this position,” said Rifkin, who worked as one of the inaugural students in USC Gould’s International Human Rights Clinic (IHRC) in 2011 on cases pending in the Extraordinary Chambers in the Courts of Cambodia, which tries former Khmer Rouge leaders. “I am interested in working toward justice for international crimes and know that this opportunity will build upon the training I received during my clinical experience at USC Gould.”

The Special Tribunal for Lebanon was created to investigate and prosecute those responsible for the 2005 terrorist attack in Beirut, which killed former Lebanese Prime Minister Rafic Hariri and 22 others in related attacks. It is the first international tribunal to declare terrorism to be an international crime. Since forming in 2007, USC Gould and Harvard Law alumni have been the only American law graduates to secure this competitive fellowship with the Lebanese Tribunal.

“This is a tremendous honor for both Brian and USC,” said USC Gould Dean Robert K. Rasmussen. “I consider it a priority to prepare students with the legal knowledge and skills required for working in a globalized world. This is precisely what students obtain by enrolling in our International Human Rights Clinic, and it is because of the strong reputation of the clinic that we were invited to send a former student to fill this fellowship position.” Rifkin, a litigation associate at Simpson Thacher & Bartlett in New York, brings unique experience to his new job. In 2011, after graduating from USC Gould, he served as a judicial intern to Judge Rowan Downing at the Cambodia Tribunal in Phnom Penh, working on the Cambodian Killing Fields trials involving some of history’s worst crimes against humanity.

“My experience at the Cambodia Tribunal cemented my desire to work in the area of international law,” Rifkin said. “I hope these international criminal tribunals achieve a measure of justice for victims and advance important moral and legal principles. Working with lawyers and judges from around the world has taught me a great deal about their own systems, their education, and their political and legal outlooks. I look forward to more of the same at the Special Tribunal for Lebanon.”

USC Gould Prof. Hannah Garry, founding director of the IHRC, said Rifkin is highly qualified for the position with the Lebanon Tribunal. “I am very proud of Brian in being offered this prestigious fellowship,” said Garry. “Having worked closely with him in the clinic, I know that he has the qualities required for excelling in such a position and that he will seek to maximize his learning experience in The Hague.”

Exposed to stories of the Holocaust at a young age and having grown up in a community attuned to human rights issues, Rifkin has always had a keen interest in justice for victims of atrocities.

“From the time I was a child, I was continually reminded that I have a special responsibility not to ignore similar crimes committed in my time,” Rifkin said. “Working in the International Human Rights Clinic and with the tribunals has given and should continue to give me an opportunity to do work I am passionate about.”

As an undergrad, Rifkin majored in international relations with a focus in global security at Brown University. He studied international and intra-state conflict resolution, particularly justice for victims of human rights abuses.

Before starting at USC Gould, Rifkin worked at Latham & Watkins’ Paris office as a paralegal. In law school, he served as Senior Submissions Editor on the Southern California Law Review and graduated Order of the Coif.

“I am very much looking forward to this opportunity to contribute to the advancement of a system of international justice,” said Rifkin. “I am particularly grateful to Professor Garry, Dean Rasmussen and USC for their support.”

PCJP Wins Parole for Record Number of Inmates

Students with the Post-Conviction Justice Project (PCJP) celebrated a hallmark academic year as they fought and won parole for a record 15 clients serving life terms, many victims of childhood abuse and domestic violence. This year’s victories stand in sharp contrast to years when few, if any, clients were granted parole and many were ultimately reversed by the governor. For example, Gov. Gray Davis paroled just eight life inmates in his five years in office from 1999-2004, out of the nearly 300 recommended for release.

“For many years, the parole process was very arbitrary,” said USC Gould Prof. Michael Brennan, co-director of the Project for more than 20 years. “Our clients were rarely granted parole, and most of those grants were reversed by the governor. We have seen a real shift since our success in the case of Sandra Davis-Lawrence in the California Supreme Court expanding judicial review of the parole process.”

As part of the PCJP, USC Gould students work with clients on post-conviction issues, such as parole matters, due process violations and review of sentences. Students appear at parole hearings and state and federal court proceedings. They also file habeas petitions challenging denials of constitutional rights.

Julia Deixler ’14 has represented two parole clients this year under the supervision of Brennan and PCJP co-director Heidi Rummel, a USC Gould professor. One of her clients was sentenced to 25 years to life for killing a man who attempted to rape her. She was released in February after serving more than 30 years in prison. Another client, Glenda Virgil, who was sentenced to 17 years to life for shooting her partner after he repeatedly beat her, will appear before the parole board this May.

Deixler said her experience with the Project has prepared her for a career in litigation when she graduates. “I know I will carry the lessons I’ve learned in the clinic throughout my career,” she said. “I’ve learned how to interview clients, develop persuasive legal arguments and advocate for clients in written briefs and oral argument. … It’s an incredible feeling to represent a client who is released, but at the same time, there are so many more women to be helped.”

Currently, USC Gould students are working with several clients who will appear before the Parole Board in the coming months. Rummel is hopeful that the students’ work will lead to several more parole dates for clients.

“We are thrilled that the Parole Board and Gov. Jerry Brown have recognized so many of our clients’ efforts to turn their lives around and give back to the community,” Rummel said. “Our students continue to work tirelessly on behalf of many more deserving clients, and we look forward to their releases in the years to come.”

Chao Qi ’14 said his work with the PCJP has impacted him both personally and professionally. When his client, Nadine Hosman, was released from prison in January, Qi felt like a family member was coming home. Hosman, who was sentenced to a life term in 1987 for conspiracy to commit murder, suffered a stroke in prison and had no recollection of her life before the stroke.

“It was an amazing feeling to know that I helped Nadine,” he said. “My experience working in the Project has taught me that patience, empathy and persistence in dealing with clients can truly make the difference. I have gained intangibles beyond what I was able to learn in first-year classes, and these lessons will be with me for the rest of my life.”

Ashley Caldwell ’14 represented Elizabeth Hernandez, who was convicted of first-degree murder for her very limited participation in a robbery gone wrong, at her parole hearing in early 2013.

“Hearing the parole commissioner say the words ‘we find Ms. Hernandez suitable for parole’ was a surreal moment,” Caldwell said. “It’s a moment that I will always remember. PCJP has helped me develop invaluable skills such as case preparation, time management and persuasive communication. No matter what area of law I ultimately practice, I will carry these skills with me.”

Client Leesha Gooseberry (left) with Prof. Heidi Rummel, following Gooseberry’s release on parole after serving more than 20 years for killing her abuser.
Elizabeth Henneke, the inaugural Audrey Irmas Clinical Teaching Fellow, came to USC Gould two years ago, and since then, she has lent her expertise to three clinics: the Immigration Clinic, Post-Conviction Justice Project (PCJP) and International Human Rights Clinic. In this role, she has mentored students on cases ranging from asylum applications and human trafficking to juvenile justice claims. And under her guidance, the PCJP expanded its client bases to include representation of juvenile offenders sentenced to life in prison with no chance of parole. Henneke talked to Gilien Sibsky about the clinics’ major achievements and what she has learned in her time at USC Gould.

The Immigration Clinic has celebrated a series of big wins. Can you describe some of the cases?

Our students have accomplished a great deal this year and have enjoyed an astounding level of success. We won every litigation case we took to court, representing more than 12 clients in removal proceedings. We obtained legal status for four Zimbabweans fleeing from the Mugabe government. We have obtained legal status for several transgender persons fleeing devastating conditions in Latin and Central America, and we have obtained permanent legal status for asylum applicants around the country. It has been a hallmark year.

What accounts for your success this year?

Prof. Niels Frenzen, director of the Immigration Clinic, has created an impressive clinical program that effectively educates both students in advocacy techniques and the immigration court itself about the dangers facing our client populations. This year is really a reflection of the hard work and dedication of Prof. Frenzen and the students who have worked with him. By adding an additional clinician, we have been able to take on more litigation cases and delve deeper into each one. This extra attention has certainly paid dividends.

Is there anything in particular you have added to the clinics since joining two years ago?

Before coming to USC Gould, I was fortunate to work at Williams & Connolly in Washington, D.C., which has a reputation for obtaining great results in litigation and for training its associates. I’ve brought those litigation skills and familiarity with the courtroom to the clinics. My expertise truly complements Niels Frenzen, who is one of the most respected clinicians and immigration attorneys in the country. His expertise on immigration matters is legendary. I also have an appellate background, which has allowed us to expand our appellate work. The Immigration Clinic now takes 9th Circuit pro bono appointments, which has expanded its breadth and depth. We have also been able to take on interesting new cross-clinic projects. The PCJP and International Human Rights Clinic are submitting an amicus brief to the California Supreme Court, which argues that international law forbids the practice of sentencing juveniles to life without parole. This complements the PCJP’s current representation of 12 persons sentenced to juvenile life without parole.

What do law students take away from their experiences in the clinics?

By the time they finish with the clinic, our goal is that each student has the opportunity to be lead counsel in at least one proceeding. I have been pleased to see students take ownership of their cases and, through that, develop into wonderful lawyers.

You mentioned that you are also working in the PCJP. What’s next for the Project?

Thanks to the efforts of the Project’s co-directors, USC Gould professors Heidi Rummel and Michael Brennan, and our students, this year the state legislature passed an important bill that allows juveniles sentenced to life without parole to have their sentences reviewed periodically. This bill is a reaction to recent research that has shown that juvenile brains aren’t fully developed, and therefore teenagers are likely to be more impetuous than adults.

This semester, we will file 12 briefs on behalf of juveniles sentenced to life without parole. As I mentioned earlier, we also plan to file amicus briefs at the California Supreme Court.

As the inaugural Audrey Irmas Clinical Teaching Fellow, how has your experience at USC Gould made you a better clinician?

Over the past two years, I’ve had the opportunity to learn from USC’s stellar clinical faculty. With their guidance and mentorship, I have learned how to teach litigation, writing and advocacy skills. But ultimately, I have learned the most from our students. USC students are the very best: They are smart and passionate about helping others. Before I came here, I was worried that law students no longer cared about public service. But at USC, I found a new generation of young lawyers who seek out ways to improve their communities and think deeply about methods for improving the lives of others. If they are the future, the future looks bright.
“My film simply could not have been made without the help of the clinic,” said filmmaker Brian Gillogly.

The clinic also authored an amicus brief on behalf of more than 48,000 university professors in a closely-watched appellate case involving higher education.

Garrett Lee ’14 said it’s been rewarding to work with the clinic’s documentary filmmaker clients. “I feel I have been transformed, pushed to my fullest potential, and left much better equipped for the working world. The IPTLC provides a unique opportunity to learn how to practice law through working with clients on real projects, collaborating with various people, and extensive researching, writing and re-drafting. All of this has strengthened my work ethic and self-confidence. I couldn’t think of a more rewarding experience in law school.”

In April, Lee and Katharine Trendacosta ’14 conducted a seminar on fair use and the Digital Millennium Copyright Act for more than 100 documentary filmmakers. “This semester has really been one of the best experiences of law school,” Trendacosta said. “Not only did I get real world experience and to interact closely with real clients, I was lucky enough to build on the clinic’s earlier work by helping filmmakers understand how to exercise their rights to fair use and free expression.”

A key inquiry, said Lerner, is how copyright law affects the way people do creative work that talks about culture and society.

“In a digital age,” he said, “this is a difficult question, complicated by relentless technological change and overlaid with other areas of the law like contract, patent and privacy. Where does the public interest lie? And what is the role of the lawyer in all this?”
USC GOULD SCHOOL OF LAW CLINICAL PERSPECTIVES

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Clinics In Brief

IPTLC files amicus curiae brief in important educational copyright case—The IP & Tech Clinic filed a brief amicus curiae in the United States Court of Appeals, Eleventh Circuit in April. The closely-watched case centered on whether it was copyright infringement for Georgia State University to post modest excerpts of materials on electronic course reserves. The clinic authored the brief for the American Association of University Professors and several other groups representing more than 48,500 professors, and urged the Court to protect key pedagogical activities, such as using copyrighted materials for criticism and commentary.

War Don Don screens at USC—The International Human Rights Clinic sponsored a screening of War Don Don, a film about the Special Court for Sierra Leone, at USC’s School of Cinematic Arts in February 2013. A panel discussion followed with Rebecca Richman Cohen, film director, Elise Kepler, Human Rights Watch, Prof. Michael Renov, USC School of Cinematic Arts and Prof. Hannah Garry, USC Gould School of Law.

PCJP fights for youth at state Capitol—The Post-Conviction Justice Project is a co-sponsor of California Senate Bill 260, which would provide judicial review of extreme sentences for youth. In April, Prof. Heidi Rummel and Julia Deixler ’14 traveled to Sacramento to voice support for the bill.

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