



# CLINICAL PERSPECTIVES 2020

**USC Gould**  
School of Law



# INSPIRING PASSION FOR JUSTICE

## USC Post-Conviction Justice Project celebrates 40 years of leading the way in education and reforms

By Leslie Ridgeway

*Heidi Rummel, co-director of the Post-Conviction Justice Project, in a meeting with student Alex Kirkpatrick (JD 2017) and client Marvin Mutch. With PCJP's representation, Mutch won parole after serving 40 years in prison for a crime he did not commit.*

**W**hen USC Gould's Post-Conviction Justice Project got its start in the early '80s, clinical programs in law schools were scarce. Forty years later, PCJP is one of the most enduring and influential clinical programs in the nation. It has led the way in parole reform and shaped and fought for legislation and policies, creating meaningful second chances for incarcerated women and youth offenders. For hundreds of law students and the faculty who mentored them, PCJP has inspired a lifelong passion for the pursuit of justice.

"Our program grows students into lawyers," says Professor Heidi Rummel, PCJP's co-director, who came to USC Gould in 2006. "The law students take ownership of all aspects of their cases, from client relationships to legal strategies to meeting court deadlines. They come to us as students and leave ready to practice law."

### **BREATHING LIFE INTO CLASSROOM THEORY THROUGH LEGAL PRACTICE**

PCJP, along with other clinical programs at USC Gould, owes its existence to Yale Law School's Denny

Curtis, clinical Professor Emeritus who founded PCJP in 1981 to represent clients serving federal sentences at nearby FCI Terminal Island. Curtis joined current PCJP co-director Michael Brennan and clinical Professor Lee Campbell, then at USC, and helped recruit Professors William Genego, Carrie Hempel, Denise Meyer, Noel Ragsdale and Chuck Weisselberg to give students direct responsibility to represent clients under close faculty supervision and mentorship. Students fought for justice for individual clients and also gained a deeper understanding of legal and social issues in the criminal justice system.

"The idea is to have students understand substantive legal principles and the obligations of lawyers through seeing, firsthand, how the law operates on your clients; what needs to change, and how, from an organizational and structural point of view, to bring about change," says Curtis. Clinical legal education, he adds, was "really a question of helping students to learn how to practice law, how actually to make things happen for the benefit of your client, and how law worked on the ground. That had not usually been part of law school."

In the 1970s, when Curtis started at Yale and then in the 1980s at USC, "no one knew what clinical education was. Law schools now compete with each other on the strength, efficacy and reach of their clinical programs. It's such a constitutive part of the law school experience."

## PAROLE REFORM SUCCESSES: A PCJP HALLMARK

In 1994, in response to changing federal laws, PCJP's focus shifted from the representation of clients serving federal sentences to women serving indeterminate sentences at the California Institution for Women. Brennan, together with Hempel, who joined PCJP in 1993, recognized a pressing need for representation and reforms for women who had been convicted of serious crimes related to a history of intimate partner violence. PCJP focused its efforts on assisting the incarcerated women with medical care, parole and habeas petitions, Hempel says.

Obtaining release on parole for clients was a bleaker prospect. Since the late 1980s, California's parole release rate was less than one percent. But PCJP students continued to fight for their deserving clients' releases, in administrative hearings and in court challenges. Finally, in 2008, PCJP won a landmark victory in the *In re Lawrence* case and dramatically changed outcomes for California life-term prisoners.

As Brennan explains, PCJP filed a habeas corpus petition challenging the governor's fifth reversal of a parole grant for longtime client Sandra Davis-Lawrence. To everyone's surprise, the California Court of Appeal adopted PCJP's novel legal argument and granted the petition, releasing Lawrence after 24 years in prison. The California Supreme Court's decision affirming the Court of Appeal changed the landscape for parole decisions in California and spread hope throughout the prison system that true rehabilitation could earn release on parole. In the 10 years prior to the *Lawrence* decision, PCJP won release for eight clients. Since *Lawrence*, more than 150 PCJP clients have been released through the parole process.

"California moved from releasing less than 5 percent of prisoners to more than a third of eligible prisoners, and retained a one percent recidivism rate," Brennan says. "That was the biggest change in the law that we were involved in. Obviously it was pretty gratifying."

## FIGHTING ON FOR FAIRNESS AND JUSTICE

Today, PCJP students and faculty continue to fight for second chances for deserving clients and advocate for fairness in California's criminal justice system. They conduct workshops in prisons across the state to motivate and educate people who have been incarcerated since they were teens. PCJP students, faculty and former clients travel to Sacramento to testify at legislative committee hearings and meet with legislators on important policy reforms.

Weisselberg, founding director of the Center for Clinical Education at UC Berkeley Law, applauds USC Gould for its continued support of PCJP and clients who often have no other legal avenue. 

*The full version of this story is available online at: [gould.usc.edu/about/news/?id=4683](http://gould.usc.edu/about/news/?id=4683)*

## LEGISLATIVE HIGHLIGHTS

*Throughout its 40-year history, the USC Post-Conviction Justice Project has worked closely with state legislators and criminal justice reform advocates to enact legislation establishing more equity and fairness in laws guiding sentencing and parole.*

**2018:** PCJP co-sponsors SB 1391, which prevents the transfer of youth under the age of 16 to adult court.

**2017:** Gov. Jerry Brown signs into law two juvenile justice bills co-sponsored by PCJP: SB 394, extending youth offender parole eligibility to children serving life-without-parole sentences, and AB 1308, raising the age for youth offender parole eligibility to 25 years.

**2015:** PCJP drafts and co-sponsors SB 261, which raises the age for youth offender parole eligibility to 22 years; PCJP co-sponsors and lobbies for SB 382, revising the fitness criteria for juveniles to be transferred to adult court.

**2013:** PCJP co-sponsors and successfully lobbies for passage of SB 260, creating the youth offender parole process to provide an opportunity for juveniles sentenced as adults to be eligible for release on parole.

**2012:** After seven years of advocacy, the Fair Sentencing for Youth Act (drafted and co-sponsored by PCJP) is signed into law, creating a process for juveniles sentenced to life without the possibility of parole to petition for resentencing to a parole-eligible term.

**2012:** PCJP is influential in the passage of the "Sin by Silence" bills supporting survivors of intimate partner violence who are convicted of violent crimes. These include AB 593, expanding the scope of habeas relief for individuals with a history of battering related to their crime, and AB 1593, requiring the parole board to give great weight to a history of intimate partner violence in parole suitability decisions.

**2008:** PCJP wins California Supreme Court landmark case *In re Lawrence*, redefining judicial review of parole denials, in the first decision where the Court rules in favor of a prisoner in a parole case.

**2001:** PCJP takes lead role in enactment of California Penal Code § 1473.5, creating habeas relief for individuals convicted of murder prior to the admissibility of expert testimony on intimate partner violence (formerly Battered Women's Syndrome) to obtain a new trial where such evidence may have resulted in a different outcome.





# FORGING A LEGAL PATHWAY TO RESETTLEMENT

## USC International Human Rights Clinic students help Syrian refugees escape persecution

By Diane Krieger

**A**fter four years in limbo, Abdulbaset Nasri, his wife, Janan, and their four children are safe in Italy.

The good news caught their lawyer, Natalia DaSilva, completely off guard.

“I was so excited. I was with colleagues and I just had to tell everybody,” says DaSilva, now a staff attorney with Legal Services of Northern California.

Eighteen months had passed since DaSilva worked on the Syrian family’s refugee resettlement claim. Back then she was a second-year law student with USC Gould’s International Human Rights Clinic on a spring break legal-aid mission to Lebanon.

By the time the email from the clinic’s director, Prof. Hannah Garry, announced the outcome in late 2019, DaSilva had already graduated and taken the California bar.

The passage of time, however, had not diminished her affection for the Nasris.

“I still reread that email and tear up a little bit. It means a lot to me,” says DaSilva, who earned both of her degrees at USC — her bachelor’s degree in 2016 and JD in 2019 — and now lives in Sacramento.

DaSilva and her classmate Bettina Tiangco (JD 2019), a Stanford graduate originally from San Diego, had worked around-the-clock on the Nasri family’s case through a nine-day field experience that puts USC Gould students at the epicenter of the world’s worst humanitarian crises. Now in its third year, the travel program is funded by alumnus Barry McCabe (JD 1977).

At the Beirut headquarters of the International Refugee Assistance Project — known as IRAP — the students hit the ground running in March 2018. On day one, DaSilva and Tiangco met with their clients to assess if they had a legal pathway to resettlement through the Office of the United Nations High Commissioner for Refugees (UNHCR).

“At that point the case file was quite thin,” says Garry, who organized the trip and supervised the students.

DaSilva and Tiangco spent long days in separate interviews with the Nasris, building out their dossier.

Abdulbaset Nasri, a carpenter from Aleppo, had been arrested, beaten and tortured repeatedly in Syria — often held for days or weeks. He had sheltered his wife from the ugliest details, but there was no holding back for the official refugee filing.

“They were opening up, trusting us with their stories, and we had no guarantees to offer that it would lead to anything fruitful,” says Tiangco, now an associate in the corporate department of Ropes & Gray LLP’s San Francisco office. “There were times when I felt very emotional, but I had to stay professional and honor their strength and grace.”

During breaks DaSilva, who speaks some Arabic, played alphabet games with the youngest child in another room. Aged 7 to 15 years old, the Nasri children were traumatized after witnessing horrific violence, including bombings and beheadings. One child had stopped speaking and was later diagnosed with epilepsy.

After a difficult journey from Syria to Lebanon over rough, mountainous terrain, they found they still weren’t safe in Beirut. Abdulbaset Nasri says Hezbollah, the Shia Islamist political party and militant group that controls large parts of South Beirut and Southern Lebanon, routinely followed and accosted him and made death threats against the family. His health was precarious after suffering food deprivation while in detention and sustaining nerve damage to his spine from severe beatings. He developed a heart condition requiring surgery.

Late into the night, the Gould students transcribed their interviews, meticulously prepared the family’s intake report and drafted their declarations. By the end of the trip, they had completed and filed the resettlement submission.

Months later, they recall, their initial petition was “deprioritized” — in effect, shelved — by UNHCR. But



*IHRC students work late hours meeting with clients, transcribing interviews, preparing intake reports and drafting declarations.*

IRAP resubmitted the case to Humanitarian Corridors, an Italian humanitarian visa program. That second submission was approved in late 2019.

USC Gould students Ashley De Vance (JD 2019) and Matt Saria (JD 2019) handled another Syrian refugee family's claim on the 2018 trip.

Fatima Yusif had fled Daraa, Syria, in 2015 with her three young children. Her husband, Salam, a hairdresser, had left two years earlier to avoid conscription in President Bashar al-Assad's army. When the family reunited in Beirut, all three children were malnourished. One could hardly walk due to rickets; another was at risk of going blind, having undergone unsuccessful eye surgery in Syria.

Their story also has a happy ending. After receiving a low priority designation from the UNHCR, the Yusifs' case, too, was resubmitted by IRAP and approved by Humanitarian Corridors. Last December, the family was relocated to Southern Italy, where the children are receiving the medical attention they need.

Setting the two wins in context, Garry notes that less than 1% of the world's refugees are so lucky.

"Fewer and fewer countries are willing to resettle them, while the number of refugees is increasing exponentially," she says. "It's near[ing] 30 million worldwide at this point."

**“Being able to reach out to former students and let them know their hard work and zealous advocacy was successful — it’s a pure joy.”**

IRAP Middle East Field Director Kathleen Norland List calls the USC Gould students' contributions “vital to the successful outcome in these cases.”

“Their work was remarkably thorough and of a high quality, not just in their final product but throughout the process,” she says.

Last spring, Garry returned to Beirut with all eight of the clinic's 2018-19 cohort. By the time their IRAP-sponsored cases conclude, they too will likely have graduated.

When and if she hears good news, Garry will immediately share it.

“Being able to reach out to former students and let them know their hard work and zealous advocacy was successful — it’s a pure joy,” she says. 🍷



# BEYOND THE CLINICS AND PRACTICUMS

## Two courses offer technology-related experiential learning opportunities to USC Gould students

By Greg Hardesty

**U**SC Gould, a pioneer in developing real-world skills through its longstanding clinical and practicum program, recently introduced two technology-related courses that bolster experiential learning opportunities for its law students.

The two courses are “Counseling the Startup Company,” which was launched in 2002 and returned to the course list in 2019 and “Legal Innovations Lab,” introduced in spring 2020.

Both courses teach students to be leaders in technology-solution oriented legal arenas. The courses offer students an expanded menu of experiential learning opportunities, beyond the school’s well-established clinics, which give students outside-the-classroom experience in the legal fields of immigration, intellectual property and technology, international human rights, mediation, post-conviction justice, and small business. (USC Gould’s longstanding practicums cover access to justice, children’s legal issues, legislative policy, medical-legal partnerships, and veterans.)

“With experiential learning courses like these, students have opportunities beyond clinics and practicums to hone their real-world practitioner skills,” says Laura Riley, an adjunct assistant professor of law and director of experiential learning at USC Gould.

Mohan Nadig teaches “Counseling the Startup Company.” He is director of U.S. legal operations for ByteDance, an Internet technology company headquartered in Beijing whose core product is the news and information content platform Toutiao.

Nadig’s course explores the legal issues and business challenges that lawyers face when counseling startup companies, from entity formation, corporate governance, employment and compensation to negotiation of commercial transactions, intellectual property, and privacy and data security.

The course uses real-life examples from startup companies in California and is intended to provide a realistic view into the day-to-day practice of lawyers in the field.

Legal technology entrepreneur Dorna Moini, who graduated from USC Gould in 2012, teaches

**“USC Gould has put a focus on law, technology, and innovation, and is definitely at the forefront in preparing students for the future of the practice.”**



Laura Riley, adjunct assistant professor of law and director of experiential learning at USC Gould



Gould alumna Dorna Moini, co-founder of Documate, teaches the “Legal Innovations Lab.”

the “Legal Innovations Lab.” She is co-founder and CEO of Documate, a 2018 startup that offers document automation software that allows lawyers to streamline frequently used forms and documents without using any code.

Moini’s “Legal Innovations Lab” exposes students to areas of legal practice that help them develop skills to address emerging technology issues.

“We started with a session on product development and user-centered design,” Moini says. “We discussed the implications of artificial intelligence, big data and analytics on the practice of law. Students built legal applications using document automation. And we’re constantly discussing the implications of technology on expanding access to legal services.”

Speakers in Moini’s class have included the executive director of the Legal Aid Foundation of Los Angeles and the general counsel of LegalZoom, who talked about regulatory issues. Moini’s company started as a platform for low- and moderate-income people. Documate created workflows for domestic violence survivors, tenants facing eviction and other areas not typically covered by legal documentation platforms.

Moini quickly realized the highest value it could provide to promote access to justice was to empower attorneys on the ground so they could build their own workflows and legal applications without any code.

“This class is not just about technology — it’s about thinking about the law in a new and innovative way,” Moini says. “It’s about coming up with out-of-the-box solutions for how we can better deliver legal services to everyone from pro bono clients to consumers to corporations.

“These skills will help students think differently, whether they are doing strictly legal work or recrafting a modern law practice,” Moini adds. “USC Gould has put a focus on law, technology, and innovation, and is definitely at the forefront in preparing students for the future of the practice.”





# A PASSION FOR BUSINESS

## USC Small Business Clinic student helps actress set up nonprofit to help children of incarcerated parents

By Matthew Kredell



Six years ago, actress Ciera Payton started a passion project to bring arts programs to underserved areas of Los Angeles with a particular focus on providing mentorship to children whose parents or loved ones are incarcerated.

She called the project Michael’s Daughter, based on her one-woman show of the same name that chronicled her relationship with her incarcerated father through a series of letters.

After landing her first series-regular role last year on the show *The Oval*, created by Tyler Perry, she felt it was time to use her platform to take her project to another level. Payton was referred to the Small Business Clinic by a friend, Elle Fersan, then-director of the USC Provost’s Immigrants and Global Migration Initiative. Karen Shilyan,

a second-year law student, helped Payton turn her project into a foundation.

Shilyan has had a passion for small businesses since she was a child. Her parents started a towing company through which they set up contracts with different municipalities.

As refugees from Iran whose first language is not English, Shilyan’s parents had difficulty understanding some of the legal language of these contracts. Shilyan’s interest in the legal profession bloomed in high school and college when she helped her parents go

over these contracts and review emails to and from city representatives.

“One of the reasons I came to USC is because I knew it is more business-centered and had opportunities like the Small Business Clinic,” Shilyan says. “It aligns with my interests of going into corporate work and working with small businesses like the one my family runs.”

### “HELPING A BUSINESS START WITH CONFIDENCE”

Shilyan’s time with the Small Business Clinic began last summer and has continued throughout her second year in law school. She has worked with 15 to 20 clients.

In the spring semester, her focus turned to nonprofits, which present different challenges.

“For for-profit business, we are forming and organizing to make sure they are protected from any liability,” Shilyan says. “With nonprofits, we’re looking at compliance and making sure they’re following all the rules to be tax-exempt organizations. Either way, it’s rewarding because you’re involved in helping a business start with confidence. But working with nonprofits is particularly rewarding because you’re not only instrumental in setting them up but know they will be helping people in the future.”

When Payton was a high school student in New Orleans, her father was sent to prison for drug possession.

“New Orleans is a highly spirited city with a lot of culture, music and art, but it also has a lot of poverty, drug addiction and alcoholism,” Payton says. “Growing up there and seeing what my father went through with his addiction, I channeled my pain into something more productive and positive. I gravitated toward the arts and they made a big impact on my life.”

Michael’s Daughter already received funding from the City of Los Angeles to offer arts-based programs.

Top: Karen Shilyan  
Bottom: Ciera Payton



*The USC Small Business Clinic helped Ciera Payton turn Michael's Daughter into a foundation.*

However, Payton had to pay tax on the grants she was receiving.

Shilyan helped her craft bylaws and submit the paperwork for Michael's Daughter to become a nonprofit, making the grants exempt from taxes. The work is supervised by Professor Michael Chasalow, director of the Small Business Clinic.

### **SOLID GUIDANCE LEADS CAREER CHOICE**

"Having Professor Chasalow as a mentor has been instrumental in my personal development as well as career goals and what I hope to achieve," Shilyan says. "Taking part in this clinic and working with clients has shown me that this is the career I want to pursue and that I'm fully able to do it."

Chasalow pointed out that Shilyan also helped Payton set up a limited liability company through which she could conduct her business activities in the entertainment industry.

"Karen's work for Ciera Payton spanned a range of the services provided by the Small Business Clinic," Chasalow says. "She provided excellent legal work that helped Ciera navigate the rules and regulations that govern both for-profit and nonprofit organizations."

Since Chasalow founded the Small Business Clinic in 2007, participating students have helped Los Angeles-area entrepreneurs form more than 1,000 entities, from partnerships to corporations. Approximately half of the 2,500 business owners served by the clinic have been women or minorities.

Payton loved working with Shilyan.

"She is amazing, so sweet and understanding and compassionate," Payton says. "Whenever you work with artists, our stuff can be a little complicated and convoluted because we're creatives. Karen understands that and she listened, was eager to learn about my mission and was very patient with me. I really feel



that she is going to do very well when she graduates and goes off to work in business law."

Payton is in the process of forming a board of directors for her foundation. In addition to saving on tax dollars, she will now be able to start accepting donations. This year she will be doing two workshops rather than one, and her next goal is to take some of the foundation's work into California prisons. By January 2021, she wants Michael's Daughter to start giving out scholarships to under-resourced students dealing with the impacts of parental incarceration.

"Now that I have a foundation, Michael's Daughter is more legitimate and solidified rather than just me as an individual trying to do these workshops here and there," Payton says. "People can get on board, see the work being done and where their donations are going."

Payton expresses her appreciation for USC Gould's help with the project.

"I'm so grateful to USC Gould for offering these services. I'm very lucky to have the support of the Small Business Clinic. It's such a great hidden gem and resource in Southern California." 📌



# A HEALTHY DOSE OF HELP

## Partnership with USC Gould Immigration Clinic, Children’s Hospital Los Angeles and AltaMed brings legal-aid services to undocumented young patients

By Diane Krieger

**D**iego G. seems like a normal little boy — bright-eyed and bouncing with energy. Just a few months ago, though, he was weak and lethargic, hobbled by a congenital heart defect that, left untreated, could have been fatal.

The 6-year-old had arrived from Central America in September along with his asylum-seeking parents. Soon after, USC cardiologists performed lifesaving surgery at Children’s Hospital Los Angeles.

The care didn’t end there, however.

Thanks to teamwork by CHLA and USC Gould’s Immigration Clinic, Diego and his parents are now getting legal representation as they petition the U.S. government against removal.

The connection was made through an unusual collaboration between CHLA, AltaMed Health Services and USC Gould. Once a month, families coming to a CHLA clinic for community health services — everything from flu vaccinations to urgent care — are offered free on-site consultations with a mental health professional and a Gould Immigration Clinic staff attorney.

The idea is to address immigrants’ multi-faceted needs in concert, recognizing that they are fundamentally intertwined. “The mental and physical health of a child affects his ability to go through the immigration process,” Immigration Clinic Co-Director Jean Reisz (JD 2004) says. “Likewise, the stress of

*Pediatricians at Children’s Hospital Los Angeles reached out to the USC Immigration Clinic to develop a partnership that offers free consultations with clinic staff attorneys and mental health professionals in addition to community health services.*



**“The mental and physical health of a child affects his ability to go through the immigration process... and our ability to prepare a defense and go to court.”**

#### **MEDICAL ASYLUM EXPLAINED**

Diego’s heart surgery won’t shield his family from deportation. That’s because “There’s no such thing as medical asylum,” says immigration lawyer Jean Reisz.

The asylum standard, Reisz explains, emerged in response to World War II and the Holocaust — and the need to protect people persecuted based on race, religion, political opinion or membership in a social group. It was designed to step in when local government couldn’t or wouldn’t control their oppressors.

“Not being able to get lifesaving treatment is not grounds for asylum because you have to show you are being persecuted,” Reisz says.

The question, in 2020, is what constitutes persecution?

“What we’re seeing in modern times is a whole bunch of other reasons people are displaced — maybe because they’re indigenous, or have a serious birth defect, or are being discriminated against in state-run hospitals, or are refused treatment because of being different in some way,” Reisz says.

immigration proceedings affects the physical and mental health of the child. In Diego’s case, the patient needed lifesaving surgery, and he was able to get that at CHLA. But his health and well-being also affect his parents’ ability to participate in immigration proceedings and our ability to prepare a defense and go to court.”

#### **PARTNERSHIP ADDRESSES UNMET NEED**

The partnership began last fall after CHLA pediatricians John Harlow and Kevin Fang, both clinical faculty at the Keck School of Medicine of USC, reached out to Niels Frenzen, founding director of the USC Immigration Clinic. Frenzen put Reisz, his former student and now clinic co-director, in charge. Reisz also leads the law school’s Immigration Detention and Appellate Clinic.

“Not only are children getting medical treatment but they’re getting pro-bono representation, which really affects the likelihood of success for these kids,” Reisz says. Reisz was once an Immigration Clinic law student under Frenzen and then returned as a staff attorney in 2014 after a decade working as a public defender and an associate at Archer Norris PLC.


#### **VALUABLE EXPERIENCE FOR LAW STUDENTS**

Once a month, Reisz, Frenzen and two other Gould staff attorneys take turns screening families at the CHLA clinic. Those they green-light for legal services are referred to one of 12 law students and scheduled for an intake interview on campus.

After participating in four CHLA clinics, the Immigration Clinic has already accepted a dozen new clients in four families. (Each asylum case is separate but consolidated by family.)

Diego and his parents were the first on board. In November, they were assigned to Sarah Taranto, a second-year law student originally from Nevada City, Calif. In late February, Taranto represented the family at a master calendar hearing, the first step in removal proceedings. She entered her appearance as their attorney and requested additional time for fact-finding.

Going forward, Taranto will need to familiarize herself with Diego’s medical records so she can present relevant facts to the judge and handle the direct examination of any expert witnesses.

Experiences like these are the “most valuable part of my legal education so far. It really feels like I’m actually practicing law,” says Taranto, who aspires to be a public defender someday. 





# A TRANSFORMATIVE EXPERIENCE

In a partnership with a local nonprofit, the Family Law Mediation Clinic helps facilitate communication between divorcing parents

By Christina Schweighofer

**A** couple of weeks into the 2020 spring semester, Amanda Clark (JD 2021) felt doubtful about her work in the Family Law Mediation Clinic. How would she cope with the pain visible in dependency mediations? How could she contain her own anger and remain neutral in cases with domestic violence? Wasn't she too young to relate to parents and their concerns?

"No matter what they have been through, the kids are often at the forefront of our mediation and that's really hopeful to me," she says.

The immediate goal of the mediations is to help the parties establish detailed and workable child visitation schedules after they have earned back their parental rights. But SoCalFM co-founder and president L. Randy Drew also sees long-term benefits.


"This is a transformative experience for parents," he says. "They have learned the skill of negotiating with each other and resolving conflict peacefully, something they will need as they raise their children and that they will pass on to them."

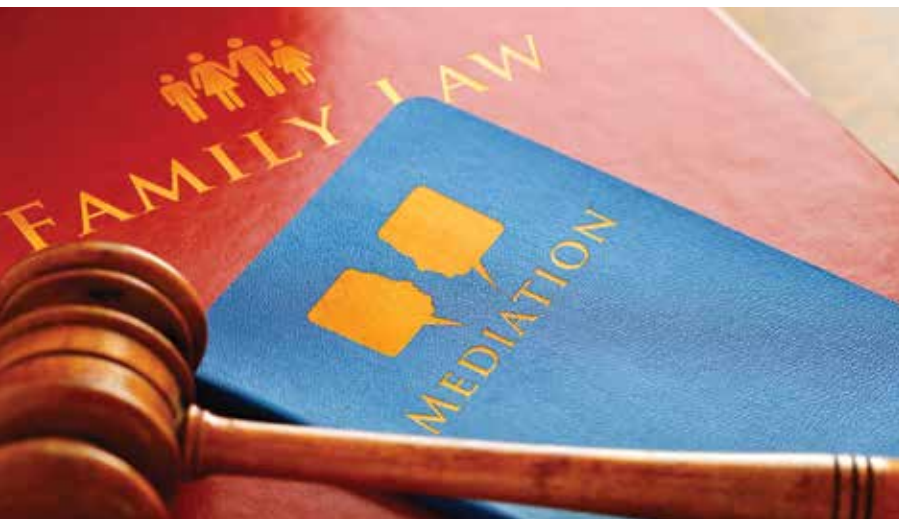
Clark's experience as a co-mediator at the Edmund D. Edelman Children's Courthouse validates this. After fighting about visitation schedules for one year, the parties in her case agreed on a plan in only two hours of mediation.

"They heard each other's words and understood what the other person was saying," Clark says.

Drew says that volunteer mediators in his nonprofit program have an agreement rate of more than 90 percent.

The partnership between USC Gould and SoCalFM was established in 2016 by Professor Lisa Klerman, the founder and director of the Mediation Clinic, and Lecturer in Law Marilyn Mordetzky, a commissioner for the Los Angeles Superior Court who teaches the family law mediation course. Mordetzky sees the co-mediations as an "amazing opportunity for students" that helps them hone their listening and collaboration skills. "As attorneys, they will know how to stay in communication mode and not give up, even with someone who might be a difficult opposing counsel," she says.

Noting that the program is celebrating its fifth anniversary this year, Klerman says, "No other program we run has such a significant and direct impact on families and lives in our community." 



What she didn't know yet was this: Dependency mediations transform people. They impact how mediators see themselves and how co-parents relate to each other and, by extension, to their children.

Clark's mindset changed only one month into the clinic. Working with experienced volunteer mediators from Southern California Family Mediation (SoCalFM), a court-connected program that partners with the Family Law Mediation Clinic at USC Gould, she had by then observed three co-parenting plan mediations and co-mediated another one successfully. She was feeling confident and optimistic.



# THEY HANDLE THE TRUTH

## USC Intellectual Property and Technology Law Clinic helps student documentarians navigate legal aspects of film

By Carren Jao

**D**ocumentary filmmaking is about telling a true story, but often truth is a thorny issue, which is why USC School of Cinematic Arts students are working with USC Gould School of Law Intellectual Property and Technology Law Clinic students to produce films that retain the integrity of the story while staying on the right side of the law.

Directed by Professor Jef Pearlman, the clinic offers second- and third-year law students the opportunity to work with real clients, navigating interpersonal dynamics and tackling weighty legal issues. The experience they get from the clinic is designed to help them prepare for their future legal careers. Guided by Pearlman, who oversees all the legal advice dispensed to the clinic's clients, law students think through challenging questions that deal with fair use, defamation, trademarks and contracts, to name a few.

While the clinic also offers its services to clients in need of pro bono assistance throughout the university and beyond, Pearlman says working with documentary filmmakers gives his students an opportunity to apply their understanding of fair use to real films.

"While the high-level task of advising a client on intellectual property issues is the same, the day-to-day focus is different," says Pearlman. "In documentary filmmaking, we deal more with questions of fair use and copyright — the use of other people's materials without permission and without paying — and defamation."

Clients last semester included student filmmakers making a documentary focused on the killing of Latasha Harlins, a 15-year-old African American girl fatally shot by a liquor store owner, Soon Ja Du. Her death, just 13 days after Rodney King's beating, is considered by many to be a catalyst for the Los Angeles civil unrest of 1992. The producer and director of *The Dope Years: The Story of Latasha Harlins* used short news clips and security



footage of the killing in the film, and licensing them commercially would have been too expensive for the students.

With the help of three clinic students — Tiffany Li (JD 2021), Tyler Fergusson (JD 2021) and Roark Luskin (JD 2021) — the filmmakers were able to confidently identify which materials they might be able to include in their documentary through the fair use doctrine. Pearlman's students worked with the filmmakers to ensure the film used the material in a way that meets the criteria of fair use.

With the use of archival news clips in *Dope Years*, Li says the team helped to strengthen the filmmakers' fair-use case for including this news footage — recommending that they add voice-overs from interviewees to contextualize the clips and convey how the events impacted their lives.

"It's been an amazing opportunity to get hands-on, real-world experience during the academic year," says Li. "I have a Bachelor of Fine Arts so it's been great to be able to combine my arts background and legal skills in the clinic by providing advice while staying true to our clients' artistic visions." 🎬