



Father Greg Boyle hugs Post-Conviction Justice Project client Celia at "Compassion & Transformation," a special conversation celebrating Celia's accomplishments and the work of PCJP. (For full story, see page 18)

CLINICAL PERSPECTIVES 2022



JOYOUS ENDING FOR USC IMMIGRATION CLINIC CLIENT

After 16 years, court decision opens door to permanent residence in U.S.

By Leslie Ridgeway

Nerves were high when 2L Sophia Duenas appeared in U.S. immigration court at an administrative hearing in fall 2021 — not just because it was the first time Duenas had ever appeared before a judge, but because her client, a Salvadoran woman living in Los Angeles, had been fighting to remain in the U.S. with representation by the USC Gould Immigration Clinic since 2004.

“We were so excited in the moment. She was crying. I cried, too. It’s absurd that she had to wait this long but I’m happy she can finally have some peace.”

— 2L SOPHIE DUENAS ON THE EXCITEMENT OF WINNING A CANCELLATION OF REMOVAL FOR HER CLIENT.

When the judge handed down a much-welcomed ruling that provisionally granted a “cancellation of removal” — a form of relief that removes the threat of deportation and puts the client on a two-year track to earn a green card — it was hard to observe normal courtroom decorum.

“(The client) was in shock,” says Duenas, the last of at least 17 USC Immigration Clinic students to represent the client. “She jumped up and gave me a big hug. We

were so excited in the moment. She was crying. I cried, too. It’s absurd she had to wait this long but I’m happy she can finally have some peace.”

At 16 years, the case doesn’t qualify as the lengthiest one handled by the Immigration Clinic, but the number of delays was out of the ordinary.

“At the end of every academic year, students write transition memos to incoming students,” says Professor Niels Frenzen, co-director of the USC Immigration Clinic. “Yes, it is an extreme hassle that we’ve done 15 transition memos. It’s an outlier, but it is what it is. Things happen to cases and clients that we can’t predict.”

Frenzen, co-director Professor Jean Reisz (JD 2005) and the students were also faced with changes in administrations and laws that affected their approaches. The client initially applied for asylum as a survivor of domestic violence in El Salvador, recognized as a basis for asylum by one administration but not a successive one, and then with the Biden administration, it was again under certain circumstances recognized as a basis for asylum. In 2020, a decision by the U.S. Supreme Court in *Niz-Chavez v. Garland* expanded eligibility for cancellation of removal, allowing the client to also pursue that form of relief.

That decision helped Duenas make a better case for the client to remain in the U.S. because she is caring for her mother, who lives with dementia. Duenas presented testimony from Dr. Laura Mosqueda, Keck School of Medicine of USC professor of family medicine and geriatrics and a widely respected expert on care for the elderly.



2L Sophie Duenas called appearing in court intimidating, but “a phenomenal experience.”

“The case turned on this expert witness who could talk about what would happen if the client was removed,” says Duenas. “It was a huge deal to find Dr. Mosqueda. We are a pro bono clinic so we rely on people to volunteer their time and knowledge.”

Pro bono teaching clinics like the USC Immigration Clinic are a lifeline for people without resources. Frenzen estimates the cost of securing a private attorney over 16 years at \$50,000. The client couldn’t even count on holding onto employment with numerous procedural delays and the last-minute nature of hearings.

“She’s a single mom trying to survive and support her kids and care for her mother,” says Reisz. “Not only did she have to wait a long time for relief, but to prepare her case and for

multiple court hearings, she had to take off time from work, and she would sometimes lose her job.”

As the attorney of record, the clinic will continue to represent the client throughout the green card process, and to help her renew her annual work permit.

Frenzen and Reisz designed the clinic to give students experience working with clients who have experienced many types of trauma. Learning to detach while coping with law school and personal lives can be overwhelming, but Frenzen and Reisz impress upon students the importance of keeping a good life balance — always a challenge for attorneys. Still, any good attorney deals with nerves when they’re representing a client, Frenzen says.

“Jean and I get stressed when we go to court because we know what’s at stake and we care,” says Frenzen. “We always say to students, ‘The day I go to court and I don’t have a knot in my stomach means I’m not invested.’”

Duenas says appearing in the courtroom was intimidating but “a phenomenal experience” and gave her the confidence that she can succeed as a lawyer. Still, the ultimate outcome was the greatest reward of all.

“(The client) is so hard working and has this beautiful family, and she took her mother in to care for her full time. She is the image of an amazing American citizen and person,” Duenas says. “There’s no one more deserving — except for every single other immigrant who lives here fearing deportation.” 🍷



TAKING THE LEAD

The Post-Conviction Justice Project has made juvenile justice system reform a priority, bringing hope to thousands of persons sentenced to life without parole

By Julie Riggott

The juvenile justice system was created to put youth who have violated the law on the track to becoming responsible citizens. It was designed to be rehabilitative, based on the understanding — which brain science has since proven — that children are different from adults. All of that changed in the 1990s.

“With the rise of gangs and violence, young people were increasingly committing very serious crimes, and society saw them as scary, irredeemable monsters,” says Heidi Rummel, co-director of the Post-Conviction Justice Project (PCJP) at the USC Gould School of Law. “Critics were quick to label them super predators and throw them away.”

Kids as young as 14 in California (and as young as 10 in some other states) were thrown into adult court and given an adult sentence, which was, in many cases, life without any real possibility of release on parole.

For the past 15 years, PCJP has focused its energies on changing a system that has harshly treated so many young people — and disproportionately young people of color — with results that will impact tens of thousands. Through litigation and, most broadly, through legislation, PCJP has led the way toward hope for incarcerated youth. Since 2008, PCJP has written or co-sponsored nearly every juvenile justice bill in California.

“I’ve got a hundred stories for you,” Rummel says. One of them is Deandre Moore.

CHANGING A LIFE

A PCJP client since 2012, Moore is the latest incarcerated person, sentenced to life without parole, whose murder conviction is likely to be set aside, thanks to the efforts of PCJP co-directors Rummel and Michael Brennan and law students like Nina Rosser (JD 2021), who spent two years on Moore’s case.

Moore was sentenced to life without parole for his role in a carjacking that ended in murder when he was 16. Moore didn’t kill or intend to kill anyone. He also could not have imagined that the man he was with would end up shooting someone during the crime. He drove the getaway car. He was found guilty of felony murder and has already served 27 years.



Nina Rosser (JD 2021), representing client Deandre Moore, won an appeal that created a new legal precedent that will apply to incarcerated youth throughout the state.

Many factors have come into play in Moore's case. For one, the elements of California's felony murder special circumstance (particularly, "major participant" and "reckless indifference to life") were re-examined in two decisions in the California Supreme Court in the 2010s. For another, PCJP worked on a coalition to pass Senate Bill 1437, which requires the prosecution to prove that a defendant killed or intended to kill to be convicted of murder.

On Moore's behalf, PCJP filed a petition challenging Moore's murder conviction and advancing a novel argument that youth is relevant to culpability for a felony murder special circumstance, first in Superior Court and then in the Court of Appeals; both were denied. PCJP then filed with the California Supreme Court, who sent the case back to the Court of Appeals with instructions to consider whether youth (defined as 26 and younger by California's Youth Offender Laws, also co-sponsored by PCJP) must be considered. After oral argument, the Court of Appeals issued an opinion in their favor in less than two weeks.

"This is significant not only because Mr. Moore's murder conviction will almost certainly be vacated, but also because it applies to thousands of youth convicted of felony murder where their age was never considered," Brennan says.

When Rosser called Moore with the news, he was practically speechless. He told her all he wanted to do was see his family, including his wife, daughters and grandchildren.

Rosser says Moore's case was a tremendous learning experience. "I don't know where else I would have gotten this experience except PCJP. I'm incredibly grateful for the trust of Heidi and Mike, who gave me the autonomy to develop the case and arguments, and for the trust of the client. Being able to say I briefed a precedent-setting appeal in the California Supreme Court and the Court of Appeals, and argued it there, is incredible. I'm going into public defense, so it's been a big leg up."

“With the rise of gangs and violence, young people were increasingly committing very serious crimes, and society saw them as scary, irredeemable monsters... We were quick to label them ‘super predators’ and throw them away.”


— PROFESSOR HEIDI RUMMEL, CO-DIRECTOR,
POST-CONVICTION JUSTICE PROJECT

SHAPING POLICY

On the legislative side, PCJP has taken a leading role in reforming extreme sentences for youth, co-sponsoring and lobbying for laws in collaboration with other advocate organizations such as Human Rights Watch and the Anti-Recidivism Coalition. PCJP led in passing the first juvenile LWOP bill; and PCJP wrote and advocated for laws and regulations creating the Youth Offender Parole Process.

USC Gould students in Rummel's Legislative Policy Practicum are actively involved in juvenile justice reform as well, working side by side with people with lived experience in the system to write laws and meet with legislators at the Capitol.

The work is life-changing not only for clients but also for students.

"PCJP helped me reframe what winning and losing looks like," Rosser says. "If I can be an advocate for my clients and treat my clients with the dignity and humanity that they are owed as their birthright, then maybe that relationship is the win." 



A FAMILY'S SAGA

USC International Human Rights Clinic works to obtain humanitarian parole for Afghans



By Diane Krieger

When the U.S.-backed Afghan government collapsed last summer, Abdul B. made a desperate call to Chris F. in Texas, a U.S. Army veteran Abdul had worked with on an opium eradication task force in Afghanistan targeting Taliban-backed poppy farms. Once the Americans left, Abdul fled to Pakistan with his wife and their four children to escape retribution.

Penniless and undocumented, they're in hiding, unable to leave the house unless absolutely necessary. Chris wired the family money and reached out to USC's International Human Rights Clinic for legal aid.

The best option for Abdul's family, according to IHRC acting director Henna Pithia (JD 2015) was to apply for humanitarian parole, which provides entry into the United States on humanitarian grounds for people who are otherwise inadmissible or ineligible. Often used in medical emergencies, it's a temporary option when normal visa processing is unavailable.

"You'll often see individuals with family members facing some sort of medical emergency use this avenue to get here quickly," says Pithia, who was an asylum officer with U.S. Citizenship and Immigration Services (USCIS) before transitioning into private immigration practice in Canada and Southern California. She is currently a USC Gould visiting clinical assistant professor filling in for IHRC Founding Director Hannah Garry who is abroad on a Fulbright research grant.

**Source: VOA News – <https://bit.ly/3N1YIBg>*

***Source: VOA News – <https://bit.ly/368Judn>*

With the Afghan government's collapse, applications for humanitarian parole suddenly spiked in 2021. In a typical year, around 2,000 humanitarian parole applications are filed with USCIS.* Since August 2021, however, more than 40,000 have been filed by Afghan nationals alone.**

"What's frustrating is that the method of accessing humanitarian parole has not been updated to reflect the current crisis for this particular community," says Pithia. After Afghan applicants started applying for humanitarian parole, more USCIS officers were assigned to adjudicate applications, but existing backlogs put current wait times past the expected 90-day window.

Additionally, the documentation requirements for humanitarian parole are "extremely tricky," Pithia says. Any change in Abdul's family's residence or income — which has happened several times — means the forms need to be revised. Other hurdles include finding a U.S.-based financial sponsor — in this case, Chris — and hefty \$575 per person humanitarian parole application fee — almost \$4,000 for Abdul's family of seven.

Much of the documentation has been handled by 2L Steph Argent, who logged 20-hour weeks in December to prepare the original case filings. She is now assisted by 2L Sophia Dominguez-Heithoff and IHRC intern Claire Fausett, a USC undergraduate majoring in international relations.

Despite a request for expedited review, as of March, the case remains in limbo. The clinic and its students continue to monitor the case, however there isn't much they can do currently, Argent notes. Early in March, Abdul's wife gave birth to their fifth child, requiring the IHRC team to quickly file another humanitarian parole application for the baby. 🇺🇸



CUTTING THROUGH THE HAZE

IPTLC student's paper sheds light on legal issues for entrepreneurs who use blockchain technology

By Greg Hardesty

In the rapidly evolving world of the decentralized web — where “blockchain” technology that stores information across a network of independently owned computers has spawned such cryptocurrencies as Bitcoin — regulation is as clear as a Los Angeles morning in June.

3L Camille Brown has penned a white paper, “Crypto Traffic Lights and Crosswalks: An Overview of Existing Decentralized Finance (DeFi) Regulations in the U.S.,” to cut through the haze.



While participating in the USC Intellectual Property & Technology Law Clinic, Brown drafted the 28-page report for Filecoin Foundation for the Decentralized Web, a nonprofit client of the clinic.

Completed last October, Brown's paper details legal issues related to corporate governance, securities regulation and financial compliance for entrepreneurs who use blockchain technology, a decentralized digital ledger system that eliminates much of the security risk associated with systems in which data is held centrally.

“A lot of people and financial organizations are getting involved in this space, and there's a distinct lack of clarity how

it's going to be regulated, what the laws look like now, and what they're going to look like,” said Jef Pearlman, clinical associate professor of law and the IPTLC director.

“It's certainly some of the most cutting-edge work to come out of the clinic, and I think the people working in this area are already finding it to be really valuable,” Pearlman added.

PROVIDING CLARITY TO INNOVATORS

One of Pearlman's students when he was at Stanford University was Marta Belcher, now an attorney who founded the FFDW in 2020.

Pearlman connected Brown with Belcher as a mentor, and the clinic took on FFDW as a client [for Brown's work].

Brown not only produced the DeFi policy for the FFDW, but she's working part time as a program associate at the nonprofit, writing reports for its nearly all-female executive team — a rarity in the male-dominated blockchain space.

“Technology is moving very fast, particularly in the blockchain/cryptocurrency area, and Camille dove in with both feet and produced a very nice addition to the legal scholarship out there,” Belcher said. “She really helped provide clarity to innovators working in this space who find it difficult to know what the rules are.”

Knowing the rules reduces the liability risks for entrepreneurs who use blockchain technology, said Brown, a theater standout at Chaffey High School in Ontario who later got interested in how artists make a living in non-traditional mediums — particularly digital.

At Stanford, Brown wrote a thesis on how North African hip-hop artists in France utilized digital technology to circumvent restricting state regulations and find overseas audiences who would pay them for their art.

“Laws related to decentralized finance is a ripe area for research,” Brown said, “and people are confused about their rights when it comes to this new technology. It's nice to think my paper might help protect these creators by consolidating a lot of the research that's going on in this area.”



CHEERFUL CAREER ADVICE

Small Business Clinic gives healthy meals business peace of mind



2L Megan Ricker gained valuable experience helping client Mackenzie Burgess develop a client services agreement, giving Burgess peace of mind.

By Carren Jao

When food blogger-turned-registered dietitian Mackenzie Burgess started her business, Cheerful Choices, her goal was to help people eat better with simple recipes using customizable ingredients of their choice. Her clients ranged from busy moms looking for easy, nutritious, family-friendly recipes to young professionals attending meetings all day with little time to fit in a healthy meal.

Burgess' education prepared her for serving her clients' needs, but left much to be desired when it came to the day-to-day demands of entrepreneurship.

"[School] didn't really teach us a ton about running our own business, so I was often just trying things out and seeing what happens," says Burgess. At the time, she was working with a contract that left her feeling

"insecure and not legally protected," but was daunted by the process of developing something better. "It was hard to think of putting thousands of dollars down on [creating] a sound contract," she says.

At a friend's recommendation, Burgess applied to and was accepted as a client by USC Gould School of Law's Small Business Clinic, which has helped more than 2,500 business owners since its launch in 2007. The clinic was exactly what she needed to step up as a business person.

"It was a win-win. It was completely free for me and it also [gives] law students practical experience," says Burgess, who became a client of 2L Megan Ricker.

Ricker helped shape Cheerful Choice's Client Services Agreement, detailing the business' services as well as defining any limitations its business relationship faced.

Burgess' contract now outlines such things as cancellation protocols and clarifies that without proper state licensure Burgess is unable to provide detailed medical nutrition therapy services that patients suffering from diabetes or kidney disease would require. "I learned so much about contracts and language that won't leave you boxed in," says Burgess, adding, "Megan was super professional and timely. The whole process was done in few months."

Ricker got a lot from the experience, too, noting that working with SBC helped her refine her plans for the future. "I loved working with Mackenzie," says Ricker. "It was great to connect with someone who was navigating a new career. I really felt I was giving her tools for success in her business. That was really empowering."

Ricker has since taken on about 15 small business clients under the guidance of SBC founder Professor Michael Chasalow, who praised Ricker's work. "Megan is a hard worker, extremely bright and always goes the extra mile for her clients. In addition, Megan has great instincts that enable her to work effectively with a broad range of client personalities and needs," says Chasalow. 🍷



INSPIRATION VIA MEDIATION

Family Law Mediation Clinic students learn by doing during pandemic

By Carren Jao

When 3L Jonathan D. Prucher signed up for the Family Law Mediation Clinic, he expected the work would be helping people fill out forms, but wound up being part of a pandemic-fueled virtual update of the program.


“I didn’t really understand how much they’re developing mediation and alternative dispute resolution,” he says. “It was so much more robust than what I thought it would be.”

Established in 2016, the clinic, led by Professor Lisa Klerman, director, gives law students experience helping parents mediate customized parenting plans. They do this under the supervision of Southern California Family Mediation (SCFM), an organization boasting an impressive 94% in-person agreement rate between co-parents. Funded through private donations, SCFM was founded by Los Angeles Superior Court Commissioner Marilyn Mordetzky after budget cuts in 2014 closed 48 courthouses and eliminated the mediation program at the Edmund D. Edelman Children’s Court. The partnership with USC Gould followed two years later, providing 2L and 3L students experience in co-mediating with SCFM’s volunteer mediators.

SCFM helps divorcing parents agree on a parenting plan detailing how they will share custody of their children, from holiday schedules to handoff protocols. The process is potentially fraught, and March 2020 proved especially challenging because of a sudden closure of the courts due to COVID-19.

“I didn’t expect it to be two years,” says Randy Drew, SCFM co-founder, of the pandemic-related challenges. Mordetzky, fearing a prolonged public health crisis and worried about a case logjam at the children’s court, sounded a call to action. Drew quickly gathered the USC Gould students and SCFM mediators, signed up for Zoom accounts and cobbled together an online version of their lauded mediation program. A mediation process that required a single administrator now took five people and 18 steps, and the program strove to keep the new wrinkles from adversely affecting parents.

“Keep in mind, these are the most underserved and underfunded families in the county. They sometimes need extra handholding,” says Drew. “They need to be informed and they need to understand what’s happening.” SCFM and USC Gould’s students adapted to the needs of the moment, serving more than 600 families on a virtual basis. SCFM now features a self-service booking system hosted on their website, a better developed online dispute resolution process, hard-earned lessons to draw from and a continuous pipeline of inspired students like Prucher. “I can’t really express how important this experience is to someone who’s going to be a lawyer. Law is not always about faceless transactions, rich rewards, damages and repair. This is a chance for us to be of service to people when they need it the most,” he says.

Prucher says the online mediation process can work to the advantage of parents, who find the new virtual mediation appointments more convenient to attend and are more open to dialogue when they are in comfortable environments like their homes. Drew agrees: “We will always keep an online component for sure.” 

2022 HALE MOOT COURT SHOWCASES STUDENTS' TALENT, SKILLS

On March 4, the Hale Moot Court Honors Program returned to in-person competition, with Lili Italiane named 2021-2022 Oral Advocate Champion. Other participants included 2021-2022 runner-up Danielle Richardson and finalists Daniel Donohue and MacKenzie Tobin.

This year, the competition covered two topics: whether criminal defendants are entitled to exculpatory evidence prior to pleading guilty; and sentencing concerns including whether judges are allowed to consider a defendant's need for rehabilitation when deciding their sentences, and whether the defendant's sentence should be for abducting a bank employee during a robbery.

The presiding judges were Hon. David F. Hamilton, U.S. Court of Appeals for the Seventh Circuit; Hon. Jacqueline N. Nguyen, U.S. Court of Appeals for the Ninth Circuit; and Hon. Richard A. Paez, U.S. Court of Appeals for the Ninth Circuit.

Tobin was also recognized, along with Joseph Abell, James Robertson and Elle Infante, with the Anthony & Susan Taylor Written Advocacy Award for their top-notch briefs. Best brief runner-ups were Colleen Busby and Danielle Richardson. The Outstanding Participant Award was given to Carli Zimelman and Outstanding Board Member Award went to Samantha Dyar. 🏆



From left, oral advocate champion Lili Italiane, finalist MacKenzie Tobin, runner-up Danielle Richardson and finalist Daniel Donohue.



From left, Hon. Richard A. Paez, Hon. Jacqueline N. Nguyen, Dean Andrew Guzman and Hon. David F. Hamilton.



Lili Italiane, oral advocate champion, in action.



The judges mull their decisions.



“The great joy for me is watching the students grow. They come in not knowing how to make a legal argument or what the difference between a case and a statute is, and in the course of a semester you see them become fledgling lawyers. You see their confidence grow, and you see them develop their skills. It’s exhilarating.”

—DEAN EMERITUS AND PROFESSOR EMERITUS SCOTT BICE (JD 1968)

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To join the growing members of the Heritage Society, please contact the USC Gould Development and Alumni Relations Office to discuss how estate planning can support your family’s financial goals while leaving a legacy that benefits future students. Call (213) 821-3560 or email Margaret Kean, Assistant Dean of Development at mkean@law.usc.edu.

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1991, 1992, 1995, 1996, 1997, 2000, 2001, 2002, 2005,
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USC Town and Gown
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Gould Presentation featuring Dean Andrew Guzman

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USC TROJAN FAMILY WEEKEND

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