

USC GOULD SCHOOL OF LAW

CLINICAL PERSPECTIVES

News and Current Issues: Spring/Summer 2014

Three Decades Later, Justice is Served PCJP Client's Convictions Set Aside

Mary Virginia Jones is represented by USC law students



Mary Virginia Jones

BY GILIEN SILSBY

A 74-year-old Post-Conviction Justice Project (PCJP) client, known as “Mother Mary” to family and friends, was released from prison recently after serving 32 years for crimes committed by her batterer.

Mary Virginia Jones, who is represented by USC Gould students, appeared in Los Angeles Superior Court as dozens of family and friends packed the courtroom. Several screamed out cries of joy when the judge announced Jones would be released.

“I am forever grateful to the students at the Post-Conviction Justice Project,” Jones said. “The Lord brought me these angels, these amazing students, to help me.”

A dedicated mother and church member, Jones was convicted of first-degree murder and sentenced to life without the possibility of parole in 1982. She endured four trials, including a reversal on appeal because the court failed to properly instruct the jury and excluded evidence of her duress defense, as well as two hung juries.

Students in the PCJP investigated Jones’ case and challenged her convictions, arguing that she

(continued on page 4)



Mary Jones’ daughter Denitra (center) celebrates with Prof. Heidi Rummel (left) and Laura Donaldson ’15 (right)

IPTLC Interns Fight for Small Innovators



(left to right) Michelle Lee ’15 and Mikhail Brandon ’14

BY LORI CRAIG

Students in USC Gould’s Intellectual Property and Technology Law Clinic (IPTLC) filed two briefs with the U.S. Supreme Court this year, in a push to protect small innovators from patent trolls.

Working on behalf of the Application Developers Alliance, Mikhail Brandon ’14 and Michelle Lee ’15 drafted an amicus brief in the case of *Alice Corporation v. CLS Bank* in late February, asking the Supreme Court to take a strong stance on overly abstract patents.

This brief was co-authored with Public Knowledge, a Washington, D.C.-based non-profit that advocates for digital rights. The brief focused on software *(continued on page 8)*

IN THIS ISSUE:

	page
SBC Skills Continue to Help Graduates	2
Students Advocate for Human Rights	3
First Resentencing Granted Under Fair Sentencing for Youth Act	5
Learning To Navigate Emotionally Charged Disputes.....	6
Fellow to Advocate for ICE Reform	7
Lifelong Skills Developed in Immigration Clinic ...	7

Small Business Clinic Skills

Continue to Help Graduates in Practice

Three USC Gould Alumni Reflect on Their Experience

Under the direction of Prof. Michael Chasalow, USC's Small Business Clinic has turned out more than 50 attorneys since launching in 2007. Alumni consistently say that their clinical experience gave them valuable skills they continue to use in their work. Below are first-person accounts from three alumni who share how the Small Business Clinic shaped them as lawyers and helped them in the practice of law.

Parag Amin '11

Working with Prof. Chasalow in the Small Business Clinic gave me the confidence to start my own law firm in November 2012, just one year out of law school. I practice business litigation and transactional work.

My experience with the clinic taught me two important aspects of successfully practicing law: how to communicate with clients so that they fully understand every angle of the situation and my recommendations for them, and how to manage their expectations so that as their lawyer, I avoid overpromising and under-delivering. Those are skills many lawyers lack until they are senior associates, and I'm glad I had that exposure through the clinic.

I distinctly remember every one of my clients from the clinic, which I suppose is partly because Prof. Chasalow insisted that we give each client personalized attention. The one case I remember the most involved a nonprofit that wanted to increase breastfeeding awareness in the African American community. When Prof. Chasalow assigned me the client, I knew very little about nonprofits and virtually nothing about breastfeeding. But we successfully helped them form a nonprofit corporation, which continues to thrive.

Law school classrooms stress the theory of law, which builds a foundation, but the clinics stress practice, which is what makes a lawyer suc-

cessful. Being a part of the Small Business Clinic was one of the most rewarding experiences of my law school career. The skills I learned have helped me obtain and retain clients, and in many cases, achieve successful results for them.

Lauren Follett '11

After two years of practicing transactional real estate law at Latham & Watkins LLP, I recently moved to an in-house position at Kilroy Realty Corporation, a public real estate investment trust. I am an associate attorney and work directly with the SVP and Corporate Counsel handling issues in a variety of areas, including corporate governance, securities and executive compensation.

I learned many skills related to transactional law from the Small Business Clinic, which I use today. For instance, I gained a better attention to detail, which is critical when drafting and reviewing documents. I also gained an understanding of different types of legal entities, and the tax implications, organizational documents, resolutions and stock certificates of each.

I have many great memories from my time with the clinic, but the in-person meetings to advise clients on the type of legal entity that would best suit their business needs were among the greatest. One of my first clients started a business making peanut brittle. I will never forget the big bag of delicious peanut brittle that he brought us to say thank you!

The experiences I had in the clinic gave me confidence when interacting with clients and reviewing documents as a first-year associate. Had I not had my clinical experience, I think starting out as a first-year associate would have been much more overwhelming. But having already done many of the tasks that junior transactional associates typically do, I felt ahead

of the curve right out of law school.

I cannot recommend the Small Business Clinic enough to students who are interested in doing transactional law. Not only did the experience prepare me for the "real world" of being a practicing attorney, but Prof. Chasalow was an excellent professor to work with and has continued to be a mentor to me even after law school.

Ted Dillman '08

I am a senior associate at Latham & Watkins LLP, where I practice restructuring and commercial bankruptcy, principally representing private equity funds or companies buying other companies or assets out of bankruptcy. The Small Business Clinic provided great drafting training and practice, as it required students to think through corporate structure and related issues from a very practical, client-focused perspective. The experience of forming entities and drafting LLC agreements with the clinic gave me a meaningful head start over others who had just a theoretical understanding of the issues.

One of my best memories from clinical training was forming an LLC for a T-shirt company. LLCs generally offer more flexibility than corporations, but that means the partners (and the lawyer) must think through the ownership and decision-making scenarios in much greater detail when drafting the operating agreement. There is no substitute for working through the issues with an actual client and then having to draft an agreement to address those issues.

I was always interested in business law, and the training I received from the Small Business Clinic equipped me with knowledge I still use today. I would encourage anyone to participate in the Small Business Clinic.





(left to right) Prof. Hannah Garry, Kelsey Perry '15, John Prendergast, Amani Floyd '14 and John Korevec '15



(above) Amani Floyd '14, and John Korevec '15 testify
(below) Prof. Hannah Garry greets U.S. Sen. Barbara Boxer

Students Advocate for Human Rights Legislation in D.C.

BY GILIEN SILSBY

Students with USC Gould's International Human Rights Clinic (IHRC) met with lawmakers in Washington, D.C., recently to advocate for legislation and executive action to address the widespread sexual violence and mass atrocities in Sudan and the Congo.

Amani Floyd '14, John Korevec '15 and Kelsey Perry '15 presented position papers at a three-day conference organized by Jewish World Watch and the Enough Project's Hear Her Voice campaign, which urged support for peace and justice in Sudan and the Congo. They also met with survivors of genocide in the region.

The USC Gould students participated in several meetings on Capitol Hill with Congress members or their staff.

"They expressed a genuine interest in the Congressional bills we highlighted for them," Perry said. "We spent most of our time emphasizing specific, measurable steps that they could take to make a real impact. We had a very positive experience in our meetings and are optimistic that the information we shared will be considered and valued."

The students also sat on an expert panel moderated by USC Gould Prof. Hannah Garry, director of the IHRC, that addressed more than 100 delegates on transitional justice mechanisms. They were the only law students to join the panels, which included Obama administration officials, United Nations representatives, former ambassadors, senior human rights advocates, legislators, and survivors from Sudan and the Congo.

"Floyd, who is interested in human rights law, said the experience gave her the an opportunity to put her research, analytical and communication skills to use in ways that will "hopefully result in true change in the world."

"This was an amazing experience that really brought home the reason why I went to law school in the first place," she said.

Korevec said that working with international human rights experts and survivors at



the Washington, D.C., event was one of the most rewarding experiences during his time in the IHRC. "Being able to participate in advocacy work that can have a real impact on people throughout the world helped make the legal work that we have done in the clinic very personal," he said.

John Prendergast, co-founder of the Enough Project, and Gayle Smith, special assistant to President Obama and senior director at the National Security Council, spoke after the panelists and encouraged young people to contribute to the human rights effort.

Garry said the event offered an important real-world experience for her students. "They joined forces with the anti-genocide movement and made a powerful statement to our leaders about how important these issues are," she said. "This advocacy experience provided them with a holistic understanding of what it means to do human rights work, and complemented perfectly their casework in the clinic on prosecutions of mass atrocities before international courts and tribunals."



(left to right) John Korevec '15, Amani Floyd '14, with Jacques Bahati a survivor from the DRC (Congo) and Kelsey Perry '15.



(left to right) Prof. Heidi Rummel and Laura Donaldson '15 with client Mary Jones at hearing

“The procedural history of Mary’s case gave me a greater appreciation for the pitfalls of the justice system,” said Donaldson.

(PCJP Client Released, continued from page 1)

would not have been convicted if the jury had heard expert testimony on the effects of intimate partner battering, formerly known as Battered Women’s Syndrome.

The Los Angeles County District Attorney’s office conducted an independent investigation of Jones’ claims and agreed to set aside her convictions in exchange for a no contest plea to voluntary manslaughter and a time-served sentence.

Jones was charged in the 1981 murder after her abuser, Mose Willis, kidnapped two drug dealers and ordered Jones at gunpoint to drive a car to a back alley in Los Angeles. Willis shot both men as Jones ran from the scene. She hid from Willis at a friend’s house and was arrested a few days later.

A week prior to the crime, Willis shot at Jones’ daughter and threatened to kill both of them if they went to the police.

“Mr. Willis forced Jones at gunpoint to participate in the robbery and kidnapping. She ran down the alley fully expecting him to shoot and



Mary Jones from the 1980s

kill her, too,” said Heidi Rummel, co-director of the PCJP.

Before she was arrested, Jones owned a home in South Los Angeles, worked full time as a teacher’s aide for Los Angeles Unified School District, and was very involved in her church,

Rummel said. She met Mose Willis just months before the crime in 1981, when he was homeless. She invited him into her home and brought him to church because he professed his desire to “live a clean life.” Jones had no criminal history before she was prosecuted for Willis’ crimes.

USC Gould students Laura Donaldson ’15 and Mark Fahey ’13 have worked on Jones’ case for the past several years.

“The procedural history of Mary’s case gave me a greater appreciation for the pitfalls of the justice system,” Donaldson said. “After first learning that it took four trials to convict Mary, I was shocked and even more motivated to get her out of prison. I am so happy that Mary is finally getting the justice she deserves and is able to go home to her family after serving 32 years for crimes for which she should never have been convicted.”

Jones’s daughter, Denitra, has remained steadfast in support of her mother. “I am ecstatic and incredibly grateful to USC law school and the Post-Conviction Justice Project,” she said. “This is going to be the best Mother’s Day ever.”

First Resentencing Granted Under Fair Sentencing for Youth Act



Lydia Oregel, holding up a photo of Edel Gonzalez

BY GILIEN SILSBY

The first resentencing under the newly enacted California Fair Sentencing for Youth Act was secured for Edel Gonzalez, who was represented pro bono by the law firm Irell & Manella and advised by the USC Post-Conviction Justice Project and Human Rights Watch.

The new law, signed by Gov. Jerry Brown in September 2012, allows individuals sentenced to life without the possibility of parole for crimes committed as juveniles to petition the court for resentencing after serving 15 years.

Gonzalez, who was sentenced to life without the possibility of parole for a crime he committed at age 16, has spent 22 years in prison. His life without parole sentence was recalled by the Orange County Superior Court, which issued a new parole-eligible sentence of 25 years to life. He now has the opportunity to be considered for parole after serving 25 years and released if the parole board concludes that he no longer poses a danger to the community.

"It is encouraging for others serving extreme adult sentences for crimes they committed as children that the court recognized his hard work in prison to rehabilitate and change the course

of his life," said Heidi Rummel, co-director of the Post-Conviction Justice Project.

Lydia Oregel, Gonzalez's sister, added: "My brother has worked very hard over the past 22 years in prison to become a better person, and I am so proud of him. But our family, especially my brother, will always bear the heavy burden of the loss his actions caused."

In 1991, while 16 years old, Gonzalez and a number of adult gang members participated in an attempted carjacking that led to the death of the driver. Although Gonzalez was not the shooter, carried no weapon during the commission of the crime, had been intoxicated, did not have a significant juvenile record and had suffered physical abuse as a child, he was given the same sentence as the adult shooter and sentenced to the maximum punishment allowable under the law. At that time, he was the youngest individual in Orange County's history to receive life without parole.

Elizabeth Calvin of Human Rights Watch said Gonzalez is a changed man and deserving of a chance at parole.

"When I first spoke with Edel Gonzalez in 2007, there was no hope that he would leave prison other than in a coffin," she said, "but he



Edel Gonzalez today

was working hard every day to become a better person because he believed it was the right thing to do. He is the kind of individual that this law was designed to benefit. He is deserving of at least the opportunity to be released one day."

The Orange County Superior Court agreed and found Gonzalez's institutional record "exceptional" because he had no reprimands for violence or for drug or alcohol use, which are prevalent in state prison. The court also noted that the California Youth Authority had found him amenable to change in 1997. In filings, Irell & Manella set forth evidence that Gonzalez had severed all ties to gangs both inside and outside prison, freed himself of his prior addictions, and availed himself of almost every educational and rehabilitation program offered to him in prison.

"There isn't a day that goes by when I'm not reminded of the wrong, the harm and the pain I've caused," Gonzalez said at the resentencing. "If given the opportunity, I hope one day to help young kids stay away from gangs and their lies—kids that think there's no way out, as I did in my youth. I want to share with those kids my personal experiences of this life."

Gonzalez was represented by Marshall Camp, Bryant Yang, Zackary Davidson and Nicholas Chan of Irell & Manella. Christopher Cowan '07, an alumnus of the Post-Conviction Justice Project, took the case to the firm as a pro bono project.



(left to right) Lydia Oregel, Prof. Heidi Rummel, Elizabeth Calvin of Human Rights Watch and Prof. Elizabeth Henneke

Learning To Navigate Emotionally Charged Disputes: Advanced Mediation Clinic Partners With CLA

Law Students Offer a Creative Approach to Mediation



(left to right) Deema Abini '14, Kelley Lowe '14, Christopher Chen '14 and Jilda Kouroumlian '14

“If you propose an agreement, you have to do it in a way that speaks to the parties like they are being heard and listened to.”

BY CHRISTINA SCHWEIGHOFER

In an effort to provide law students with high-level mediation experience outside of the court system, the Advanced Mediation Clinic is now collaborating with California Lawyers for the Arts on a mediation program. Thanks to the cooperation, USC students are learning to work with creative clients in emotionally charged disputes, honing two skills required of any good lawyer: negotiation and relationship building.

Known as Arts Arbitration and Mediation Services, or AAMS, the CLA's nonprofit program provides alternative dispute resolution services to artists. Cases run the gamut from disputes over attribution in work to landlord-tenant differences between an artist and a gallery owner.

“The work generally centers on a collaboration

gone awry,” said Lisa Klerman, director of the Advanced Mediation Clinic. “Often you’ll have a highly creative person who had a great project, and all good intentions were in place, but something went wrong with the project itself or interpersonally.”

Every AAMS case is co-mediated by two volunteers whose goal is to help the parties reach a creative solution long before a lawsuit needs to be filed. The parties usually represent themselves but are often very sophisticated and able to see both the weaknesses and the strengths of their positions.

So far, USC Gould students have participated in three AAMS cases. From studying the case files and preparing a strategy to actually co-mediating the case, the USC Gould students have worked on the same level as the AAMS volunteers with whom they had been matched.

One of the students in the Advanced Mediation

Clinic, Kelley Lowe '14, co-mediated a case that involved a director and a writer/actress. In their collaboration on a six-minute short film, the parties had run into copyright issues. In the case of Deema Abini '14, a filmmaker and a graphic designer who had been producing promotional materials were locked in a dispute over a breach of employment agreement. “It was the breakdown of a relationship that had blossomed from this work that someone was doing for another person,” Abini said.

As is typical of entertainment disputes, where artists tend to identify with their creative work, the students were mediating in fervently charged situations. The conflicts centered more on damaged relationships than straightforward business matters. The challenge for the mediators in such situations—and the learning opportunity for the students—is not only to understand the specific interests and priorities of the parties, but also to help them see where they might share a goal, like having their project succeed, said Klerman and the students.

With emotions running high and the two sides often firm in their positions, this can be especially hard. “You can have a strategy,” Lowe said, “but you have to be on your feet because you never know how the parties are going to react. If you propose an agreement, you have to do it in a way that speaks to the parties like they are being heard and listened to.”

Klerman started the Advanced Mediation Clinic in 2010. This year, five students participated. Having spent a year in the Mediation Clinic, also run by Klerman, they already had 25 to 30 mediations of court cases under their belts when they began co-mediating for the AAMS.

Robyn Weinstein, AAMS director, was highly appreciative of the students' work. “They have been mediating for a long time already, and they have completed extensive training with Professor Klerman,” she said. “The feedback we get about our USC mediators is great.”

Fellow to Advocate for ICE Reform

Allison Scott '14 has been awarded a one-year Immigration Clinic fellowship to investigate the provision of medical care at government immigration detention facilities.

Scott, who is working with Profs. Niels Frenzen and Elizabeth Henneke, will oversee the project, which will focus on improving medical treatment at Immigration and Customs Enforcement (ICE) facilities.

"We hope the study will lead to important reforms at ICE detention centers," said Scott. "Documentation of the current conditions should shed light on this issue, which is often poorly neglected."

The one-time fellowship is being funded by a 2013 reception honoring California State Bar President Luis Rodriguez. Los Angeles law firms Gibson Dunn; O'Melveny & Myers; Phillips Law Partners; Latham & Watkins; Sidley Austin; and Manatt, Phelps & Phillips sponsored the reception in the name of Rodriguez.

Scott said the project has been designed with the following goals:

- Secure appropriate treatment for detainees struggling to receive adequate care and provide materials to help them self-advocate.
- Improve the procedures for providing medical care at ICE detention facilities through coordination with national and local government agencies.
- Provide attorney trainings and draft litigation materials to help legal teams advocate for clients' medical care.
- Advance research on immigrant detention and the provision of medical care in detention.

Scott conceived the project after working on behalf of an asylum-seeker from El Salvador, who nearly died in an ICE detention facility from an untreated bone infection. "Only through Allie's advocacy was her client released and able to receive the treatment he so desperately needed," Henneke said.

Lifelong Skills Developed in Immigration Clinic

BY SEHREEN LADAK



Sehreen Ladak '15

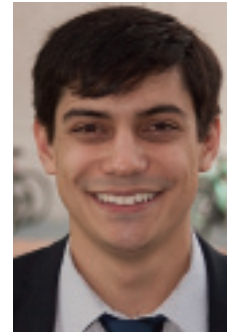
I began working at the USC Immigration Clinic in the summer after my first year of law school, and I had little idea of what would be expected of me. But from the very first day, I was given the responsibility of leading three immigration cases. Within the first month, I wrote a legal brief that was submitted to Immigration Court, attended a hearing in which U.S. Immigration and Customs Enforcement conceded the case based on the brief I wrote, met with clients, and began composing a declaration with a client on the extreme violence she had experienced in her home country.

First and foremost, the clinic taught me how to build a rapport with my clients and showed me how important this rapport is in advocating for them. I would have to work with them to prepare their personal stories as a case presentable before the Immigration Court. For example, one of my first clients in the clinic was a woman who had gone through several clinical students in the last few years. In order to ease the client into explaining her case to yet another student, we decided it would be best to have me sit in and observe the meetings. This overlap allowed for a smooth transition and the client finally felt comfortable opening up about aspects of her life that she was previously reluctant to share. This was extremely important to her case.

By the end of the summer, my responsibilities increased to eight active cases, and I transitioned into being a student supervisor for the students enrolled in the Immigration Clinic during the academic year.

Overall, I've grown as a student, advocate and individual by leaps and bounds, and I feel fortunate to have helped our clients along the way.

BY EVAN LANGINGER



Evan Langinger '14

During my 3L year, I have worked as a clinical law student at the USC Immigration Clinic, gaining skills and knowledge that have improved my abilities as an advocate. Through the clinic, I have represented clients who are

detained as a result of past criminal convictions and who seek relief before the Immigration Court.

The clinic's approach is practice-oriented and has allowed me to take the lead on several cases. I have learned how to develop an initial client interview into a solid legal defense.

As the primary representative, I have successfully litigated a defensive immigration case before an immigration judge and against U.S. Immigration and Customs Enforcement prosecutors, establishing that the past persecution and torture my client experienced was a proper basis for asylum-like relief. Seeing my client outside of the Santa Ana, Calif., jail for the first time was one of the most rewarding feelings I've had in the last three years. He was finally free of the orange shirt and pants he'd worn every time I met him. He carried himself with a sense of dignity that I knew had been stripped from him during a harrowing four months in detention.

Presently, I have begun work on another defensive withholding case that I expect to complete in May. (The clinic keeps you busy!) Despite the heavy workload, I'm glad I've participated in it over the last year.

The Immigration Clinic team has an ethos of mutual support. We learn from our colleagues constantly, and we support each other's cases. Prof. Niels Frenzen and Prof. Elizabeth Henneke work hard to mold their students into effective advocates, and I think they absolutely succeed.



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8 USC GOULD SCHOOL OF LAW CLINICAL PERSPECTIVES

(IPTLC continued from page 1) patents that include complex-sounding language, but in fact are covering basic ideas.



“For many of these patents, the applicant will take an abstract idea, a concept that is not patentable, and bury it deep within technical jargon in their patent application. Many end up being granted,” Lee said. “What happens next is that, rather than cover a straightforward invention, the patents can be used to go after any company whose business touches on a broad concept covered in the patent.”

Added Brandon, “Many of these overly abstract patents that sneak through the U.S. Patent and Trademark Office are gobbled up by patent ‘trolls,’ non-practicing entities who use them to write threatening letters or bring lawsuits, many of them frivolous. That’s their entire business model, and they often go after software companies and app developers—especially small ones that can’t defend themselves.”

This was the second Supreme Court brief on this issue that Brandon and Lee helped draft. During the Fall 2013 semester, they filed a brief asking the court to hear the case of *WildTangent v. Ultramercial*, which involved a patent covering online video ads. In that case, the Federal Circuit twice upheld a patent that dealt with what the students say is another abstract idea, improperly held to be patentable because of complex-sounding implementation language.

The Supreme Court did not take the *WildTangent* case, but the interns expect the Supreme Court to announce its decision on *CLS Bank* by July, which they believe will also apply to *WildTangent*.

In between writing these two briefs, Brandon and Lee also wrote a letter to the Federal Trade Commission, urging it to proceed with a proposed study of patent assertion entities.

Charles Duan, director of the Patent Reform Project at Public Knowledge and co-counsel on the brief, said, “Mikhail and Michelle took on complex issues of patent law, and distilled them

into clear and understandable arguments that helped the Supreme Court see the patents for what they are. We need minds like theirs working to build good policy at the intersection of law and technology.”

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