

USC GOULD SCHOOL OF LAW

CLINICAL PERSPECTIVES

News and Current Issues: 2016

Professional Help

Increasing number of nonprofits find assistance at Small Business Clinic

BY ANNE BERGMAN

Nora Phillips, an immigration attorney in Boyle Heights, frequently advocates for her clients at the U.S.-Mexican border, fearlessly going toe-to-toe with government officials. Yet, when it came time to form a limited liability partnership required to launch her own firm, she was terrified.

"I'm much more of a social justice person than a business person," Phillips said. Fortunately, colleague Niels Frenzen, director of USC Gould's Immigration Clinic, referred her to Prof. Michael Chasalow and Gould's Small Business Clinic (SBC) for assistance.

"The SBC did an amazing job with my LLP," Phillips recalled. So impressive, in fact, that six months later she returned to the SBC to help her establish the nonprofit organization *Al Otro Lado*, which provides immigration and ancillary legal services to indigent migrants, refugees and deportees in Tijuana, Mexico.

Setting up the 501(c)(3) with the Internal Revenue Service to secure *Al Otro Lado* tax-exempt status proved particularly challenging because the



Writer's Room Productions: One of the SBC's clients was a nonprofit that brings to life short stories written by K-8 students.

nonprofit is bi-national, with one board member who lives in Mexico City and the other in San Diego.

"I learned so much from the work for this client," said Morgan Schwartz, a 3L assigned to represent Phillips. "As Professor Chasalow says, 'real life stuff' comes up all the time during our work in the SBC. That's one of the best things about the clinic, because there's no way studying a hypothetical case could give you this type of experience." (*continued on page 8*)



Helping nonprofits: Professor Michael Chasalow leads Gould's Small Business Clinic, helping clients ranging from startups to nonprofits.

PCJP and IHRC Mark Milestones

BY GILIEN SILSBY

USC Gould's oldest and newest clinics are celebrating milestones this year — the Post-Conviction Justice Project (PCJP) marks its 35th anniversary, and the International Human Rights Clinic (IHRC) turns 5 years old.

Since 1981, the PCJP has offered hands-on legal training

Post-Conviction
JUSTICE
Project USC Gould
School of Law

to nearly 1,000 USC law students, serving clients at parole hearings and in state and federal habeas petitions and appeals challenging violations of constitutional rights.

More recently, the PCJP has also transformed the legal landscape of parole law and juvenile justice in California. Under the direction of Profs. Michael Brennan and Heidi Rummel, USC Gould students have supported new legislation in Sacramento, won an important California Supreme Court case, and represented clients who could not afford attorneys.

"The overall impact of our work passing legislation has truly changed the parole system, and juvenile justice," Rummel said.

Prof. Hannah Garry, director of the IHRC, has supervised 46 law students since her clinic launched in 2011. Students have worked with international criminal tribunals prosecuting mass atrocities across the globe and addressed rights violations in Asia, Africa, Latin America and the Middle East. Students have also tackled human rights matters in the United States such as human trafficking (see p. 4 for more details).

International
Human Rights Clinic
USC Gould
School of Law

Garry's goal is to continue expanding the Clinic's capacity to advocate on serious human rights issues at home and abroad. "It's truly an exciting time for our students and the clinic," she said.



Directing Attorney: Prof. Heidi Rummel

Heidi Rummel is clinical professor of law and co-director with Prof. Michael Brennan of the Post-Conviction Justice Project (PCJP), which advocates for the legal rights of convicted prisoners. Prof. Rummel discussed the PCJP's mission and work in parole, habeas petitions and resentencing cases, providing insights into the ways student-lawyers have given California life-term prisoners a new lease on life.

The PCJP was launched 35 years ago. How has the project grown and changed over time?

For many years, our work was primarily in the federal system — federal parole hearings and habeas cases. But as laws have changed, our practice has evolved. Congress abolished federal parole in the mid-'80s and severely restricted the availability of habeas relief in federal cases in the mid-'90s. In response, our Project became much more focused on California state prisoners, and we took on the lifer parole process. When I joined the Project about 10 years ago, we expanded into the area of juvenile justice, advocating for legislative reforms and representing clients who were under 18 at the time of their crimes but sentenced to extreme adult terms that offered no realistic chance for release.

How many students and how many clients are part of the Project?

I co-direct the Project with Prof. Michael Brennan. Each year, we enroll 16 new students and have up to 10 returning advanced students working on between 50 and 60 active parole, habeas and resentencing cases. Close to 700

'Real Clients, High Stakes'

Prof. Heidi Rummel discusses the 'huge successes' of PCJP student-lawyers over 35 years

students have participated in the Project since 1981, representing hundreds of California life-term prisoners.

How do you decide what kinds of cases the Project will take on?

Our primary objective is to prepare our students for the practice of law, so it is important to us that the students are able to take ownership of each case and truly function as the attorney on the case in every way — from the client relationship to strategic decisions to arguing the cases on appeal. We also value our social justice mission by prioritizing clients who would not otherwise be entitled to legal representation and cases with the potential for wide impact.

Can you describe the students' involvement in the cases?

The students are the lawyers on their cases — they very much learn by doing. Under our supervision, the students are responsible for the strategic decisions in the case, the client relationship and the development of testimony and evidence and experts. The students are certified to appear at the administrative hearings and in court. They learn much more than how to write a brief or interview a witness or make an oral argument. They learn how to advocate. The clients are real, the stakes are high, and the legal issues are challenging.

How did the Project become involved in legislative work, and how has that work complemented the students' experience representing clients?

When I joined the Project, I pushed for us to represent children sentenced to life without parole (LWOP). At that time, there was no clear legal avenue for relief for those individuals — the U.S.



USC Gould students with PCJP Directors Heidi Rummel and Michael Brennan

Supreme Court had not yet taken up the issue, and LWOP was the presumed sentence for juveniles convicted of special circumstance murder under California law. PCJP teamed with Human Rights Watch and others to draft and pass SB9 that provides resentencing hearings in many of those cases. SB9 opened the door for additional juvenile sentencing reform in California with the passage of SB260 and SB261 to provide a separate parole process for prisoners who committed their crimes at a young age. Those laws create an intersection for our parole work and our juvenile LWOP work. We've expanded significantly to represent youth offenders under the new laws, and we've been active in trying to develop regulations for those laws. There's still a lot of exciting and important work to be done in that realm.

How many clients have been released, and how are they doing?

More than 100 California lifers have been released through the work of the students in our Project. The overwhelming majority of our clients are huge success stories. Most are serving their communities in meaningful ways — they work as drug and alcohol counselors, they are of service in their faith communities, they do restorative justice work, and they are mentoring at-risk youth and giving back in ways that undoubtedly prevent violence and save lives.

First-of-Its-Kind Course: The New Family Law Mediation Clinic Gives Students Experience in Child Custody Cases



Prof. Lisa Klerman, director of the Mediation Clinic, consults with her students at Los Angeles Superior Court on a mediation matter.

BY JULIE RIGGOTT

Commissioner Marilyn Mordetzky calls USC Gould's new mediation class in family law an "eye-opener for anyone considering a practice that involves families." That's because this first-of-its-kind course teaches substantive law and allows students the opportunity to mediate child custody cases under the supervision of Mordetzky, who is director of the mediation program at the Edmund D. Edelman Children's Court in nearby Monterey Park.



Commissioner
Marilyn Mordetzky

"Dependency is a very specialized area of law," said Mordetzky, who served as a judicial officer in the dependency court for seven years and was named judicial officer of the year in 2011. "I don't think there is any school that offers substantive law in dependency, especially the differences and crossovers between family and dependency law," said Mordetzky, who is also a commissioner for the Los Angeles Superior Court and a past

Juvenile Bar president.

Professor Lisa Klerman, the director of the Judith O. Hollinger Program in Alternative Dispute Resolution (ADR) at the law school, describes the Family Law Mediation Clinic as "a very exciting specialized clinic that will be enormously beneficial to the students, the court system, and the families that are in need of resolving their differences in a peaceful process. Students will gain such a vast experience from this course that can branch out to many opportunities."

Jenecia Martinez '16 is enrolled in the course. She came to USC Gould to pursue a career in public interest, with the hope of using her law degree to advance the rights of low-income communities.

"Many of the clients I have worked with — on public benefits, immigration, housing

and special education law issues — often find themselves entangled in the family-dependency law court system," Martinez said. "I want to learn more about these parents' experiences in dependency court, so that I am able to better advocate for my clients once I am a practicing public interest attorney."

Mediation in dependency court is often challenging and can get highly emotional, Mordetzky said. It's usually the case that parents have been at dependency court a minimum of 18 months. Mediators have to convince them that this is a moment when they can decide what's in their best interest and their children's best interest.

Of course, it's also fulfilling work. "I've never had a situation where a mediator interested in family law said, 'this is not for me,'" Mordetzky said. "It's extremely rewarding to see the parties acknowledge each other and understand the purpose of being there — which is the best interest of the child."

Klerman noted that this is the first of several "specialty" mediation clinics that are planned for the future, as the law school continues to expand its ADR program. "We are very lucky to have Commissioner Mordetzky teaching this new class, and are grateful for our partnership with the Edelman Court."



First-of-its-kind family law class teaches students to mediate child custody cases.

International Human Rights Clinic Hires First Legal Fellow

BY JULIE RIGGOTT

As a 1L at USC Gould, Henna Pithia '15 discovered the International Human Rights Clinic when she got involved with the Iraqi Refugee Assistance Project, which is a student group advised by the clinic's founder and director, Prof. Hannah Garry. As a 3L, upon admission to the clinic, she started working on human trafficking cases. "I just loved it," she said. And when she learned about the new Clinical Legal Fellow position upon graduation, she said, "I need to do this. It's my dream job."



Henna Pithia '15

One of the main reasons Pithia applied to USC Gould was Prof. Garry. "Getting to work with and learn from her is a once-in-a-lifetime opportunity that has molded me into the lawyer I am today," she said.

Her responsibilities as a one-year Legal Fellow include managing the clinic's trafficking docket and its first asylum case, supervising students and teaching part of the clinic's weekly seminar. She also plans advocacy events and represents the clinic in partner meetings throughout Los Angeles.

"Henna has been an invaluable asset to the clinic," said Prof. Garry. "She is a natural supervisor, teacher and advocate, and our students and clients absolutely love working with her."

Much of Pithia's time is spent working directly with survivors of forced labor, domestic violence and torture. "Working solely on legal research and writing is a great experience, but it's not as meaningful to me as working with a client in person," she said. "When we file these applications or briefs and are successful, our clients are so happy, they cry. It means so much to them, and to be part of that experience is very rewarding."

Real-Life Justice League

USC Gould's International Human Rights Clinic counts many successes in past five years as it seeks to uphold human rights for all



IHRC students and Prof. Hannah Garry traveled to Cambodia in 2011 to work on one of their first tribunal cases.

BY JULIE RIGGOTT

When Hannah Garry founded the International Human Rights Clinic at USC Gould, she had a holistic vision for championing human rights. Through litigation in cases before international and U.S. courts, representation of survivors of human rights abuses, and educational and legislative advocacy, the clinic has been training students how to use international law as a tool for social justice and to be human rights advocates since 2011.

"Human rights must be upheld across the board," said Prof. Garry. "There must be truth, justice and reconciliation when rights are abrogated. USC Gould's International Human Rights Clinic is dedicated to using the law to fight for those ideals."

Under Garry's direction, the clinic is steadily accumulating a list of impressive successes. Those include contributing to judgments in numerous cases involving mass atrocities, such as genocide and crimes against humanity before all of the

modern international criminal tribunals, placing all interested students in competitive internships abroad and helping individual victims find justice and build new lives.

The clinic has also changed the lives of its law students.

"Even though I selected USC Gould with the hope of working for Prof. Garry, I did not predict how much my clinical experience would enhance my growth as an aspiring attorney," said Kelsey McGregor '15. "I was deeply affected by my time working with survivors of trafficking, and in a transitional justice advocacy summit in Washington, D.C."

Partnerships With International Tribunals

Through prosecution of perpetrators of human rights abuses, and coming alongside international tribunals to do that, Garry said, "We give teeth to human rights norms — they are understood to be law and must be upheld."

One of the clinic's biggest achievements is that it has been able to establish partnerships



IHRC students have spent the past five years working with judges, testifying in Washington, D.C. on international human rights matters and representing clients in the United States and around the world.

with all of the current international tribunals that prosecute mass atrocities: the International Criminal Court, as well as the Extraordinary Chambers in the Courts of Cambodia, International Criminal Tribunal for Rwanda, Special Tribunal for Lebanon and the Yugoslav Tribunal.

"We are the only clinic I know of that has been able to accomplish this," Garry said. "And we are the only U.S. law school after Harvard to be invited to partner with the Lebanon Tribunal to send recent clinic graduates as one-year legal fellows over the past three years."

The clinic has contributed to a number of judgments that reached convictions in cases that involved, as Garry pointed out, "tragic events that were historic in nature and resulted in the deaths of millions."

So far, about two-thirds of all clinic graduates have gone on to work with judges at these tribunals as interns. The clinic has had a near 100 percent success rate for students interested in being invited to work on site in these highly competitive positions.

One Person at a Time

At the same time that students work on cases involving mass atrocities perpetrated outside the United States, they tackle human rights issues right here at home, such as human trafficking, juvenile life-without-parole sentencing, failure by the U.S. government to recognize the Armenian genocide, and limited reception of women and unaccompanied children from Central America fleeing gang violence.

The clinic has represented several human trafficking survivors from Latin America and Asia who suffered extreme situations of forced labor, domestic violence and torture, and recently took on its first asylum case for a victim from Uganda. Students meet with survivors one-on-one, hear their stories in-depth and write declarations for decision-makers to get the survivors recognized as victims. The clinic has had 100 percent success in assisting its clients with achieving legal status in the United States, reparations and unification with family.

"We've been honored to assist many people thus far," Garry said. "There is so much healing

and joy that goes along with this work, and it's humbling to be part of the process."

More Work to Be Done

Garry plans to grow the clinic by taking on more cases, expanding representation to victims of mass atrocities here and before the International Criminal Court, and conducting international field research that could support filings before international courts and recommendations for commissions of inquiry into mass atrocity situations. She also plans to place more students in externships with tribunals and grassroots human rights organizations and to institute a campus speaker series as part of the clinic's work to raise awareness of human rights issues.

All of that will take a vigorous fundraising effort, but Garry is not daunted.

"Perpetrators of human rights abuses and those who have been impacted need to know that there are many of us in the world who care and are not going to stand by. We will take action and ensure that justice is upheld," she said.



A Win Without Testimony

Immigration Clinic takes on an unusual case and wins asylum for two Guatemalan children



Challenging Case: Prof. Tom Lyon was asked to help with an immigration case involving traumatized children who needed to prepare testimony for their asylum interview.

BY ANNE BERGMAN

With client testimony key to your case's success, what do you do when your clients are not able to tell their own stories?

Last fall, the Immigration Clinic's students faced this challenge as they began working with two Guatemalan children, a 9-year-old girl and 10-year-old boy, who sought asylum in the United States after several years of severe abuse by family members after their mother died.

“(The asylum officer) said: ‘Welcome to the United States.’”
—Jean Reisz, the Audrey Irmas Clinical Teaching Fellow

“They were so traumatized that they had engaged in numerous acts of self-harm before coming to the United States,” Niels Frenzen, director of the Immigration Clinic, recalled. An aunt had brought them to the U.S. border with the intention of reuniting the siblings with their father, who was living and working in California's Central Valley.

The children were detained at the border and eventually placed in the custody of the Office of Refugee Resettlement (ORR), where they were both hospitalized for psychiatric reasons. When the clinic staff got the referral for the cases, they immediately began working with the children in

an attempt to keep them from being deported to Guatemala and to their abusers. But early on, Frenzen and his team faced a hurdle.

“We had a hard time talking to them about what happened,” said Jean Reisz '05, the clinic's Audrey Irmas Clinical Teaching Fellow. “Usually in these cases, it's the testimony of the person seeking asylum that pro-

vides the majority of evidence to support their application. But in this case, even the most basic questions would put this little girl into a catatonic state.”

This meant that the clinic team would have to build its case with only medical and government documents and expert witnesses. For 2L Gabriela Chiriboga, a clinic student assigned to the case, this meant compiling medical documents from U.S. government entities, doctors and case workers.

“I also got an expert witness, a professor who testified how the Guatemalan government can't and won't protect victims of domestic violence there, especially children,” said Chiriboga.

But they still needed to figure out alternate ways to present the children's story.

That's when Frenzen asked USC Gould colleague Prof. Tom Lyon, a leader in the field of interviewing children for abuse and criminal cases, to assist.

Lyon's Child Interviewing Lab focuses on conducting research on child witnesses who are victims of child maltreatment or have witnessed domestic violence. They employ the

techniques developed from Lyon's research in conducting interviews with child witnesses in the field. Lyon readily agreed to take on the case, his first collaboration with the Immigration Clinic. He assigned Ambar Guzman, Lab project director, to interview the children in their native language. “It's common in these cases for children to be afraid or ashamed to disclose details of what happened to them, but we have developed techniques that encourage them. We focus on building a rapport to get kids to produce more and better information,” Lyon said.

In December 2014, Guzman interviewed the children inside the Lab's customized van — retrofitted to mimic an interviewing room and equipped with a separate observation area — parked outside USC Gould. “In the end, the girl did disclose some details, but she was my first interviewee who broke down during an interview,” said Guzman.



Child Interviewing lab at USC Gould

Fearing that any further questions would harm the children, Reisz and the Immigration Clinic students sought ways to substantiate that the children should not be questioned by an asylum officer or immigration judge about their abuse in Guatemala. It was Chiriboga's task to submit the asylum application to the San Francisco Asylum Office. “We had such substantial medical records and so much information that supported our case that the children obviously could not go back to Guatemala,” said Chiriboga.

In October, the Immigration Clinic team represented the father and his children in an interview with an asylum officer in San Francisco to determine their status.

According to Reisz, after interviewing the father extensively and briefly talking with the boy, the asylum officer did something unusual. “He spoke to the girl and told her that she was going to be able to stay with her dad, who loves her very much.”

“Then, he said: ‘Welcome to the United States.’” In December, the family received official letters granting the children asylum.

Demonstration in Leadership

IP Clinic Interim Director Valerie Barreiro brings international background, courtroom skills and industry experience to the table

BY CHRISTINA SCHWEIGHOFER

Valerie Barreiro has prosecuted, defended and negotiated. She has worked as in-house counsel and hammered out agreements with talent agents, producers and executives. And in her new appointment, as a professor at the USC Gould School of Law, she is passing on what she has learned in her many pivots: that the success of a lawyer depends on much more than a solid foundation in substantive law; that it also requires skills and well-developed leadership.



Interim Director:
Valerie Barreiro comes
to USC Gould from
NBC/Universal.

Barreiro, who is the Interim Director for the Intellectual Property and Technology Law Clinic ("IP Clinic"), came to USC from NBCUniversal, where she was a Business Affairs executive and Vice President of Legal Affairs. Working on unscripted TV shows like "The Voice," she negotiated the terms of agreements with producers, reviewed contracts and vetted episodes to ensure the content would hold up to legal scrutiny. The role required a deep understanding of the applicable laws, but Barreiro also had to use her communication skills to facilitate teamwork.

In the IP Clinic, which offers pro bono intellectual property legal assistance to filmmakers, artists, innovators and entrepreneurs, students hone exactly those skills. As they counsel clients on the registration of trademarks

and assist them with work-for-hire agreements, terms of use and end user license agreements, they develop their listening skills and learn how to build trust. They become more adept at explaining legal concepts in a succinct way and at convincing or persuading people.

"Take any trademark case," Barreiro says. "To inform clients that they are unable to register the trademark they want, students must first understand the legal principles and the client's business, and then provide advice that mitigates the legal risk while still addressing the needs of the business. And they have to ask themselves how they can best communicate to clients that they have to do something differently."

"As a law professor, I have a responsibility: to teach students to lead." —Valerie Barreiro



Student Focus: As head of the IP Clinic, Valerie Barreiro (left) puts a premium on teaching leadership skills.

Barreiro's ease with people grew in part out of her international background: by the time she graduated from high school, she had lived in Argentina, Panama, New York and California. Bilingual in Spanish and English, and highly

attuned to cultural differences, she had picked up an appreciation for each person's individuality, a deep-seated respect for everyone's dignity.

In her career Barreiro found plenty of opportunities to further sharpen her communication skills. "Learning to persuade 12 jurors on your feet prepares you to deal with a variety of clients," she says, looking back on her years as a prosecutor for the Los Angeles District Attorney's office and as an attorney litigating IP cases for a law firm in L.A.

Goal-oriented and a doer, Barreiro has always thrived on finding practical solutions to clients' needs, and she is excited that her work for the IP Clinic ultimately serves those who lack access to legal representation. But with her main focus now on the students, she has formulated a new goal for herself: to prepare those students for the real-world challenges of their future careers by educating them in the applications of case law and helping them hone their skills with clients.

If that sounds like she is only about knowledge and skills — not quite. Barreiro's mission goes further. She wants her students to understand that legal work is about making choices and, that, as lawyers, they will have to define for themselves what their values are if they want to convey those values to their clients with authority.

What Barreiro tells her students is: "You are in a position of power. You are impacting other people's lives." What she tells herself sounds similar. "As a law professor," she says, "I have a responsibility: to teach students to lead."



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“While most of the SBC clients are small businesses and entrepreneurs, an increasing number are nonprofit organizations, which provide an important dimension to a student’s clinical experience,” said Chasalow.

“We’re providing opportunities for students to learn how to form and organize a nonprofit,” he said. “It can take a substantial amount of time and expertise to follow the rules and gain regulatory approval.”

For 3L Zachary Lainer, this type of hands-on learning with clients is “one of the reasons I came to USC Gould.”

He worked with Writer’s Room Productions (WRP), a nonprofit that brings to life short stories in on-stage performances written by K-8 students.



Nora Phillips,
immigration attorney

Lainer worked with WRP through every step of the process — from forming the entity to filing its Articles of Incorporation with the California Secretary of State and then obtaining tax-exempt status with the IRS.

“We also helped WRP to coordinate and draft the minutes for its first board meeting and to structure its bylaws and some of the organization’s official policies,” said Lainer. “The formalities are more cumbersome for a nonprofit, and there are more alternatives to evaluate in the structure of the organization.”

WRP founder Amber Robins said that before she and her husband discovered the SBC, “We were trying to find ways to file for nonprofit status, and it was so overwhelming.”

Robins met with Lainer at the clinic in August and everything went “super smoothly,” she says. “I didn’t even feel like I was on a college campus; it felt so professional.”

Within a few months, in early November, Robins learned that they had cause to celebrate:

Their nonprofit had received tax-exempt status from the IRS and was now official.

It was especially gratifying for Lainer. “The fact that WRP received its confirmation from the IRS so quickly, before the semester was even over, meant that I got to share that moment with them. That was a unique opportunity.”

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