USC GOULD SCHOOL OF LAW CLINICAL PERSPECTIVES *

- News and Current Issues: Fall/Winter 2013-2014 –

Human Trafficking Victims Gain Legal Status in the U.S. with Clinic's Help



(left to right) Joanna Concepcion of the Filipino Migrant Center; Joey, IHRC client, Joel Frost-Tift '14 and Prof. Hannah Garry

Two human trafficking victims, who endured abuse, forced labor and exploitation in the United States, have secured legal status thanks to USC's International Human Rights Clinic, which fought and won their cases.

For the past year, USC Gould School of Law clinical students worked in partnership with the Coalition to Abolish Slavery & Trafficking (CAST) to gain legal residency for Joey from the Philippines and Leticia from Mexico.

Joel Frost-Tift '14 and Michelle Shaffie '13 represented Joey, who was recruited to work as a hotel housekeeper, but was assigned to a convalescent facility caring for the elderly and the disabled. He often was paid less than \$3 an hour,

and worked seven days a week, with no breaks. Despite promises that his work visa would be renewed, this never happened and Joey was threatened with deportation.

Rosemary Dipietrantonio '14 represented Leticia who was trafficked into the United States under forced labor and later became a victim of domestic violence. Leticia was forced to work in

1	Ν	TH	IS	IS	SU	IE:

IPTLC Prepares for Alumni Legal Practices2				
Judge Looks Back on Her Time with the PCJP3				
Reflections on a Summer at the ICC 4				
SBC Helps Local Brewery5				
Prof. Lisa Klerman Q&A6				
Domestic Abuse Victim Granted Parole7				
Immigration Clinic Reviews				
Detention Conditions7				

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a bar seven days a week, and most of her wages were taken by her traffickers. Leticia, who was threatened daily, ran away from her traffickers with the help of a man who later violently abused her on multiple occasions over several years.

Under the guidance of Prof. Hannah Garry, director of the IHRC, the students navigated the complicated legal process to attain proper visas for Joey and Leticia. Leticia gained legal residency through an application for U Non-Immigrant Status, which entitles her to work legally in the United States. Joey received a T-Visa for victims of human trafficking, which grants him legal residency and work authorization and allows his family to join him in the United States.

"I never thought this day would come," Leticia said. "I am ecstatic, and so grateful to USC law for their help."

(continued on page 8)

Youth Offenders Offered Second Chances Juvenile justice law, sponsored by the PCJP, signed by governor

In a move that offers hope to thousands of juvenile offenders, Gov. Jerry Brown signed SB260, a bill co-sponsored by the Post-Conviction Justice Project (PCJP), that establishes a new parole process for inmates who were under the age of 18 when they committed their crimes.

The legislation paves the way for more than 6,000 California juveniles sentenced as adults to be released on parole after serving 15, 20 or 25 years in prison. This is one of the few pieces of legislation to modify or reduce sentences in California in more than 20 years another being SB9, a bill that PCJP worked to pass in 2012, that allows juveniles sentenced to life without parole to petition courts for resentencing to a parolable life term.

"Kids are different than adults," said Heidi Rummel, co-director of PCJP and former federal prosecutor. "Too many kids are transferred to the adult system and sentenced to adult sentences without any consideration of their ability to change. Tremendous growth and maturity often occurs in the late teens through the mid-20s. Thankfully, California law is changing, and now young people can focus on rehabilitation and prove they deserve a second chance."

Following the passage of SB9, PCJP undertook representation of 12 juvenile offenders serving life without parole sentences, many who are in their 30s today.

USC Gould students are currently filing habeas petitions, conducting mitigation investigations, preparing for resentencing hearings and litigating novel legal arguments. The project anticipates representing juvenile offenders serving adult terms at the newly created Youth Offender Parole Hearings.

Lessons Learned from Intellectual Property Clinic Recent Alumni Thrive in Their Legal Practices

Dozens of USC law students have participated in the Intellectual Property and Technology Law Clinic (IPTLC) since it was founded in 2005. Graduates have landed jobs in a variety of firms, including working at Donaldson & Callif, the leading firm for documentary and independent filmmakers. Others are practicing IP litigation at Greenberg Glusker, media law at Davis Wright Tremaine, and patent law at Kirkland & Ellis, O'Melveny & Myers and Milbank Tweed. Here are a few of the graduates' accounts of how the Intellectual Property Clinic led to their success.



Ashlee Lin'10

I was interested in an intellectual property practice even before starting law school. As an aspiring intellectual property lawyer, I was really interested in getting as much real-world, practical IP-related experience as I could in law school, and the IPTLC was a great way of doing that.

The IPTLC was by far the most practical course I took at USC. Not only was I const-

antly learning important intellectual property theory during lecture every week, but I was also learning how to work with a team in a time-pressured environment to advocate for actual clients.

The most memorable case I had at the clinic was when we sought an exemption from the Digital Millennium Copyright Act's (DMCA) Anti-Circumvention provision for documentary filmmakers making fair use of content in their documentaries. Attending the DMCA Anti-Circumvention rulemaking hearing at the U.S. Copyright Office in Washington, D.C., and having the opportunity to hear arguments on the exemption we were seeking, was probably my best memory of the IPTLC.

I feel that my experience with the clinic equipped me with certain practical skills that better prepared me for starting my job upon graduation. I am currently working at Milbank, Tweed, Hadley & McCloy, where my practice focuses on general and intellectual property litigation.



Dan Nabel '09

I am an associate at Greenberg Glusker Fields Claman & Machtinger, LLP in Century City. My practice focuses on intellectual property litigation and real estate litigation. I learned a tremendous amount in the IPTLC, including how to interact with clients, how to identify and resolve conflicts of interest, and, of course, substantive IP law. All of the skills I learned in the

IPTLC are skills I use every day in my practice.

I think the most important part about clinical training is the confidence

it gives you when you actually start to practice. By then, you've already learned how to interact with clients and help them resolve their problems, which is what practicing law is all about.

My favorite project involved a documentary film that captured the lives of street musicians who made their livings performing in subways and other urban areas. The case involved numerous interesting fair use issues, and the film told a great story.

I love intellectual property law, and the IPTLC was the perfect place to learn about it in a real-world setting. Prof. Jack Lerner is the best. He's a great mentor and teacher. The students at USC are lucky to have him.



Matthew Slater '08

Going into law school, I knew I was primarily interested in intellectual property, so I decided I'd take as many IP classes as possible. When I saw there was an IP clinic, I knew it would be the best way of getting hands-on experience in the field.

I spent much of my time in the clinic working on one project. Another clinic member and I,

along with Prof. Jack Lerner, drafted a major report comparing and contrasting limitations and exceptions in the copyright laws of the Asia-Pacific Economic Cooperation (APEC) member nations.

The project was sponsored by the Ministry of Education of Chile, and

we collaborated extensively with one of the senior members of the ministry. We traveled to Chile for a week to meet with our contact in the Ministry of Education and work on the report. It was an honor. I learned a tremendous amount about copyright laws around the world. It was an amazing experience, and one that I'll never forget.

The clinic training pointed me towards a number of possible career paths that interested me, and this direction ultimately led to my finding my current position as the general counsel for a small wireless telecom company called Ring Plus. I'd highly recommend working at the IPTLC to any law student, as it's one of the best ways to prepare yourself for the realities of the legal profession.



1983 photo of Sheryl Gordon McCloud before she argued in the Ninth Circuit.



From 2014, Justice Sheryl Gordon McCloud and Justice Charles K. Wiggins

Washington Supreme Court Justice Looks Back on Her Time with the PCJP

by Christina Schweighofer



Sheryl Gordon McCloud

Sheryl Gordon McCloud '84 knows exactly what started her on her path to the bench: the Post-Conviction Justice Project. Through it, she got to argue a federal appeal as a second-year law student. Because of it, she later specialized in appellate law, a route

that, earlier this year, landed her a seat on the Washington State Supreme Court.

Then known as the Prison Law Project, the PCJP in 1982 and 1983 was not only new, but also one of the only clinics that involved hands-on work with clients. Gordon McCloud represented a plaintiff and appellant in a civil rights matter before the Ninth Circuit Court of Appeals. She worked an entire semester reviewing the record of her case, learning about the civil rights statute, reading the background cases, and drafting and redrafting the brief based on input from her professors. "It was probably the most time I have spent on a single issue, ever," she said. Her work paid off. The court added the case to the oral argument calendar.

Yet the hardest part of the clinic was still ahead: the preparation for the court date. Gordon McCloud wrote an outline for her argument, but Prof. Dennis Curtis deemed three pages excessive. She cut them down to two pages, and then to one-albeit in "tiny scrawl" and with notes in the margins-but Curtis sent her away again. When she presented him with "a bare minimum of points on a single paper in larger print," he was finally happy. Then came the mock arguments with the professors. "Boy, they were tough," Gordon McCloud said. "As it turns out, their questions were far more challenging than any of the questions I got from the panel of Ninth Circuit judges. And that's just how it's supposed to be with preparation. You want your preparation to be challenging and stressful, so the argument will go smoothly in comparison." It did go smoothly, and her client won the case.

Looking back on her overall experience in the clinic, Gordon McCloud remembers the arguments between students and faculty as more intense than those in the traditional classes, and the communication with the professors as more collegial. She sees the interaction with



In 1983 (left to right) J.D. Harriman '84, Sheryl Gordon McCloud '84 and Abe Hutt '84

the professors while preparing the appeal, and then the argument itself, as "the best part of the project—and maybe of law school. It's what generated my interest in appellate law."

Meanwhile, Gordon McCloud has accumulated extensive experience in the field. In her own practice, which she opened after clerking for a Ninth Circuit Court judge and a several-year stint at the public defender's office in Seattle, she covered everything from state misdemeanors and felonies to federal appeals and appeals before the Washington Supreme Court. Last year, when she decided to run for a seat on the court, she knew she was ready. "After over 25 years of experience doing appeals as a lawyer," she said, "I figured I had enough experience to do appeals as a judge." When I first received

the invitation to sit as

a professor in residence

at the International

Criminal Court (ICC),

two thoughts immedi-

ately sprung to mind:

"Absolutely!" and "But,

can I really pull this

off?" On the one hand, I



(left) Ian Henry '14, President of the Special Tribunal for Lebanon David Baragwanath and Prof. Hannah Garry | (middle) the International Criminal Court building | (right) at the entrance of the ICC

Reflections on a Summer at the International Criminal Court

by Prof. Hannah Garry



Prof. Hannah Garry

knew that I had an unparalleled opportunity to better understand the world's only permanent international criminal court whose establishment fulfilled a dream first birthed after the Nazi trials at Nuremberg. On the other hand, the logistical complications around living overseas (again) loomed large.

In the end, thanks to support from my husband and 4-year-old (who both share my wanderlust), as well as faculty at USC Gould, the balance tipped in favor of accepting the offer. Consequently, I found myself living in The Hague, The Netherlands, this past summer. For several months, I did as the Dutch do, biking to and from work, which for me, just so happened to involve the cause of prosecuting war crimes, crimes against humanity and genocide.

At the ICC, I was part of the "Visiting Professionals" program, wherein persons with academic and/or professional expertise collaborate with court personnel on various projects as well as undertake their own. Given that I have similar previous experience with other tribunals for the former Yugoslavia, Rwanda and Cambodia, I worked specifically with the Presidency and Appeals Chamber. My projects included researching and drafting for the Ngudjolo case involving atrocities perpetrated in the Democratic Republic of the Congo; drafting reports to states on the question of victims' reparations; revising court regulations and procedures; and providing legal advice on various matters coming up in speech-writing and correspondence. I also attended a number of meetings with diplomats and civil society. Simultaneously, I used my time at the court to learn more about its unique victims' participation framework as well as its complementarity regime, which governs the court's relationship with national courts who simultaneously may assert jurisdiction over cases.

In reflecting on my summer with the start of the academic year here at USC Gould, I am grateful that, despite some initial ambivalence, I was able to take advantage of this opportunity. Not only did the experience allow me to practice international criminal law once more, but it also gave me the chance to reconnect with former colleagues and broaden my network in this specialized area of international law. As a direct consequence, new opportunities for partnerships with USC's International Human Rights Clinic became available. I also was asked to recommend stellar USC Gould law students to serve as interns to ICC judges. Finally, importantly, the experience provided me with a deeper understanding of the ICC as an international judicial institution. I came to appreciate that as the court begins its second decade of operation (being established in 2002), with 122 States Parties, and 18 cases pending from eight different African countries, the scope of the court's jurisdiction is immense. As a result, there are myriad issues facing the ICC that are broad and complex.

For example, the court faces demands for increased, more diverse prosecutions (i.e. not just African), while dealing with a "zero growth budget" policy from States Parties due to global recession. In addition, there is pressure to increase the efficiency of its proceedings while also allowing for an increasing number of victims to participate in the process. Further, the court is struggling to assert its independence as a judicial institution while, at the same time, look to states for funding, cooperation and enforcement in order to fulfill its mandate. However, a number of powerful states in the world, including the U.S., are not members and have even proactively undermined the work of the court. The list goes on.

While this firsthand exposure to the ICC will undoubtedly enrich my teaching and research in international criminal law, it has also left me with a newfound respect for those working to ensure that the court evolves into an effective, lasting judicial institution. I wish them every success, and I am inspired to support that laudable goal.

Local Brewery Toasts USC's Small Business Clinic



(left to right) Anthony Lopez, Aaron Lopez, David Vences '14, Max Orozco and Prof. Michael Chasalow

by Austin Chee

Brewing beer had long been a hobby for friends Max Orozco, Aaron Lopez and Anthony



Lopez. And what began as a college pastime eventually became a small business, with the help of USC Gould's Small Business Clinic.

Under the direction of Prof. Michael Chasalow, second- and third-year law students in the Small Business Clinic offer basic corporate legal assistance to small business owners, entrepreneurs and nonprofit organizations, like Orozco, Lopez and Lopez, who founded L.A. Hop House in 2013.

"The SBC has been able to help so many entrepreneurs, like those involved in L.A. Hop House, build solid legal foundations upon which to start their businesses. At a time when there are many voices in legal education calling for more practical components in law school, the SBC provides a wonderful example of how students can gain realworld experiences that build upon the tools they have developed in their doctrinal law school courses, while providing a tangible and important service

to small businesses in our community," said Chasalow, the founding director of the Small Business Clinic.

When the business owners needed to set up an LLC and create an Operating Agreement, they turned to the SBC for help. With the help of David Vences'14 and Chasalow, they created the basic documents and contractual agreements needed to launch a small business.

The entire experience, they say, was well-suited to their particular needs.

"Prof. Chasalow is really great about educating us on our different options," Orozco said. "He really spends individual time and makes helpful suggestions regarding our business model and entrepreneurial model."

L.A. Hop House has a unique business model shared only by one other nanobrewery in the area. Orozco, Lopez and Lopez have found that their West Coast style of brewing with very fresh ingredients is conducive to creating a specific type of store.

"It's similar to a wine shop, but for craft beer," Orozco said. "You can take it to go or crack it open and enjoy it on one of the couches on-site."

They have made nearly a dozen different varieties of beer in small batches—from ales to lagers to stouts. Their latest is Brigid's Bathwater, named after St. Brigid who was a beer-loving nun, said to have changed her dirty bathwater into beer so that visiting clerics would have something to drink.

"We definitely like to have fun with our labels," said Anthony Lopez.

The three founders of L.A. Hop House hope eventually to turn their venture from a part-time job into a full-time operation, and they hope the SBC can provide them with some of the legal support they need to accomplish it.

For Vences, guiding the entrepreneurs behind L.A. Hop House has been equally valuable.

"Helping people form businesses is really rewarding, because these are local guys, and they're doing something really cool, and we're providing them with an important service that's both educational for me and incredibly beneficial for them," he said. "It's interesting to learn about the different industries that your clients are in, and to understand how they function as entities and understanding how to fit the needs of businesses into those particular structures."

Vences believes that working at the SBC has given him great practical training. He has worked with several clients during his time at the clinic, including an accounting and bookkeeping firm and a consultant who wished to form a Limited Liability Corporation. He had four clients last semester, and currently has three, including L.A. Hop House.

He said, "It's a class, but it has practical experience, that is lacking in law schools nowadays."



(left to right) Aaron Lopez and Anthony Lopez

From Conflict to Compromise: USC Prof. Lisa Klerman Teaches Students the Art of Mediation



As director of USC Gould's Mediation Clinic, Prof. Lisa Klerman's main objective is to teach law students the conflict resolution skills needed to craft creative solutions in emotionally charged situations.

Lisa Klerman

In teaching the Mediation Clinic, which she launched in 2007, Klerman draws upon her experience in mediating hundreds of cases in her own private mediation practice, as well as her prior experience in representing clients as a partner at Morrison & Foerster in Los Angeles.

What skills are students learning in the Mediation Clinic?

Students learn active listening techniques and effective questioning to uncover underlying interests, as well as methods for breaking an impasse and closing deals. These are essential skills, because when students graduate and begin working as lawyers, a large percentage of their time will be spent negotiating deals as transactional attorneys, or negotiating settlements as litigators.

Why is mediation important for law students to learn?

Because we have all been trained to be highly analytical in our approaches to clients' legal problems, lawyers are sometimes accused of losing sight of what really matters most to a client in the course of a business deal or representation in litigation. Clients will be drawn to lawyers who they feel are really listening to them and who make an effort to uncover and understand their true objectives, the nature of their business and its goals, and how the current legal problem they are facing can be resolved using a variety of approaches. Students who are exposed to mediation processes and techniques in law school will have an edge, plain and simple.

How does the Mediation Clinic work?

It's a full-year course. In the first half of the Fall semester, I teach mediation skills. In the second half, the students each mediate approximately 10 cases pending in the Los Angeles Superior Court. The students spend all their "live" clinic time at the courthouse. The judge or courtroom clerk introduces them to the litigants, and they mediate the dispute in a courthouse conference room. In many cases they return with the parties to the courtroom to put the settlement on the record.

What kinds of cases are Mediation Clinic students involved in?

I teach the students to mediate a wide range of cases, because they must be ready to mediate whatever the court assigns them. The most common cases are those involving civil harassment restraining orders, disputes between neighbors, family conflicts, landlord/tenant matters, and contractual disputes. The vast majority of the cases involve parties who would never be able to afford private mediation services.

Can you describe some of the more unusual mediation cases students have taken on?

Sometimes the cases capture unique aspects of our Los Angeles culture. In one case, a young rap artist had sued his agent for various performance breaches. A couple of years ago a pair of clinic students mediated a medical malpractice case where a woman had scraped together her meager savings to pay for a plastic surgery procedure that was botched. Another case started out as a simple contract dispute between two parties who both claimed the other owed them money, until the defendant—a struggling screenwriter—offered to give the plaintiff—a struggling actress—the leading role in his movie as a condition of dropping her lawsuit. Last year we had a case where two female body builders had a courtroom brawl that required the bailiff to remove them from the courtroom; the student mediator delighted the judge by working with the women through the lunch hour to settle their dispute peacefully.

What is the Advanced Mediation Clinic?

It's open to students who already completed the regular Mediation Clinic. They learn additional skills that enable them to mediate more sophisticated and complex court cases, where lawyers typically represent the parties in the mediation. They also assist with the training and mentoring of the beginning student mediators in the regular Mediation Clinic.

Is mediation gaining ground in the legal world?

Absolutely. We're at the point now where fewer than 2 percent of the cases filed in court actually make it to trial. For those students entering firms as a litigator, I can almost guarantee that they'll be spending much more time in a mediator's office than in trial. Additionally, recent state budget cuts have resulted in the closure and consolidation of many of our local courthouses. With judicial calendars overloaded to an unprecedented degree, accompanied by significant delays in the traditional litigation process, the demand for mediation will only rise.

Are there any new developments for the Mediation Clinic?

We are now working with three different DRPA agencies to provide mediation services in courtconnected cases within the Los Angeles Superior Court system. In addition, we have partnered with Arts Arbitration & Mediation Services, a program of California Lawyers for the Arts, to provide mediation services to the arts and entertainment community. This semester we also launched a community mediation internship for one of the advanced students with the Department of Consumer Affairs.

Domestic Abuse Victim, PCJP Celebrate Milestone Victory



(left to right) Julia Deixler, a second-year USC Gould student who represented Glenda Virgil and Prof. Heidi Rummel

After spending more than a decade fighting for the release of domestic abuse victim Glenda Virgil, who was convicted of killing her abuser more than 25 years ago, USC Gould's Post-Conviction Justice Project (PCJP) scored an important victory in June when Gov. Jerry Brown allowed Virgil parole.

"I am so grateful to USC law's Post-Conviction Justice Project," Virgil said. "The students never gave up on me—I know I would have never been released without their help."

Following a lifetime of abuse by nearly every important man in her life, Virgil shot and killed her abusive partner as he came at her with a shovel to prevent her from leaving him. Prior to her 1987 trial, two experts concluded that Virgil suffered from battered woman syndrome and had a reasonable fear for her life at the time of the crime. But the jury convicted her of seconddegree murder without benefit of that expert testimony—and without any evidence that she had ever been abused.

In 2003, a federal magistrate issued a report and recommendation that the district court grant

her habeas petition alleging ineffective assistance of counsel, but the federal court declined to adopt the proposed ruling.

Since becoming eligible for parole in 1997, the Board of Parole Hearings has denied Virgil parole eight times. In January 2013, the board, sitting en banc, again denied parole and upheld a panel's ruling that she posed a current danger because she had been disciplined for smoking cigarettes, despite new evidence that the 66-year-old suffered from terminal cancer.

"It was a devastating loss, and we are so thrilled that the board allowed her a new hearing and that Gov. Brown recognized the

equities in this case and supported her release," said Julia Deixler, a second-year USC Gould student who represented Virgil. "She has truly reformed, and it was heartbreaking to watch her face the prospect of dying in prison."

The prison system has spent the past several months transporting Virgil by ambulance to daily chemotherapy treatments. She is confined to a wheelchair and has trouble eating. Sin By Silence, a group formed around the documentary about women incarcerated for crimes related to intimate partner battering, collected nearly 55,000 signatures supporting her release.

"Given her cancer diagnosis and rehabilitation in prison, Virgil poses no danger to the public," Deixler said. "She is a role model and mentor to other victims of childhood incest and intimate partner abuse."

At her most recent hearing in May 2013, the board found her suitable for parole, and Gov. Brown allowed the grant to stand.

"We are so thankful that Gov.Brown did the right thing and granted her parole," said Heidi Rummel, co-director of the PCJP. "Virgil now can live

the last part of her life with her family."

The PCJP has represented more than 5,000 clients since it was founded in 1981. In the 2012-13 academic year, 16 clients were released from prison thanks to the work of the PCJP.

Immigration Clinic Reviews Detention Conditions

BY Allison Scott



During summer 2013, the USC Immigration Clinic initiated a project to review the detention conditions at an Immigration and Customs Enforcement (ICE) detention facility in Adelanto, Calif.

Allison Scott '14

A joint project with the American Bar Association's Immigration Commission, the report addresses the facility's compliance with portions of the 2011 ICE Performance Based National Detention Standards, including the provision of medical care, detainee search procedure and access to legal materials.

"Although a project of this kind has never been done at the clinic," Audrey Irmas Fellow Elizabeth Henneke said, "it provides a complementary element to one of our overall goals of providing representation for ICE detainees, while serving the clinic's pedagogical interests."

Immigration Clinic students, along with Henneke, clinic director Niels Frenzen and pro bono attorney Tara Lundstrom, toured the facility; interviewed detainees, facility personnel and regional ICE officials; and reviewed materials provided by the facility.

"Many of our clients are detained during the course of their proceedings, so advocating on behalf of the detained immigrant population is a significant portion of our work at the clinic," said Allison Scott'14. "My hope for this project was that it would deepen our understanding of ICE detention facilities and, in turn, enhance our ability to advocate on behalf of our detained clients."

The final report will be presented to ICE at its headquarters and regional level, as well as to the detention facility personnel.





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8 USC GOULD SCHOOL OF LAW CLINICAL PERSPECTIVES

(IHRC continued from page 1)

The law students spent months crafting declarations, filling out necessary paperwork, and

collecting the supporting documents for the applications. They also helped their clients acquire services. For example, they helped set up medical appointments to examine physical and mental injuries that both clients sustained due to their trafficking.

Even with a strong legal education, navigating the process to attain such visas is complicated, Shaffie said. "It requires a lot of paperwork and a lot of attention to detail. We used our knowledge of human rights law and immigration law to be Joey's guides through the process."

Frost-Tift said the experience armed him with skills "The classroom can teach you the substantive aspects of the law, but it can't teach you how

> to build a relationship of trust with a client, especially one coming from another culture. It also doesn't really teach you how to adjust your strategy when circumstances change or new information becomes available. Working on this case helped cement my interest in international human rights and made me realize how important it is to focus on a cause that I believe in."

Shaffie said the clinical experience is an example of how a legal education can truly help people. "That's an important lesson to carry on into our legal careers. We learned to look at our clients

holistically-not just as a person on paper, but as a human being."

Dipietrantonio said she learned that trust is crucial in a client-attorney relationship."Working with Leticia has strengthened me in many ways and has given me insight into what it really means to be a great attorney."

USC GOULD SCHOOL OF LAW **CLINICAL PERSPECTIVES**

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