

2017



News and Current Issues



For Tanzanian teens with albinism, the USC Immigration Clinic brought sanctuary from a life of fear.

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## PCJP Pair Win CLAY

By Gilien Silsby

USC Gould professor Heidi Rummel and Post-Conviction Justice Project student Scott Mills '16 were awarded the 2016 Attorney of the Year by the Los Angeles Daily Journal newspaper and California Lawyer magazine.

The pair was recognized at a ceremony in San Francisco for their groundbreaking legal work in the resentencing of the first juvenile offender under the California Fair Sentencing for Youth Act and his subsequent release on parole.

"The legislation has created hope among many who faced hopeless sentences," said Rummel.

### IMMIGRATION CLINIC

## GOULD STUDENTS WIN ASYLUM FOR TANZANIAN SISTERS



Targets of violence in their native Tanzania, two sisters with albinism were granted asylum in the United States thanks to the work of USC Gould School of Law students in the Immigration Clinic.

Amy Stern '16 spent about 80 pro bono hours on the case before she graduated in May. She then transferred the project work to 2L Elena Babakhanyan, who prepped and represented the teenagers for their asylum interview. The students worked under the supervision of Professor Jean Reisz '05, the Audrey Irmas clinical teaching fellow.

"Winning cases like this makes me happy. My students can see the good they can do with a law degree. You can change the course of a person's life," said Reisz.

News of the teens receiving asylum and their subsequent visit to the law school in August was also featured on ABC7 and in the *Los Angeles Times*.

[Read more on page 3](#)

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Tindi and Bibiana Mashamba

# DESTINED FOR SUCCESS

The Small Business Clinic celebrates its 10-year anniversary

By Gilien Silsby

Professor Michael Chasalow knows firsthand that launching a startup requires both legal acumen and entrepreneurial skills. Before joining the USC faculty in 2001, Chasalow spent more than a decade providing business and legal consulting to new companies and working with private equity investments in high-tech startups.

And so, when Chasalow founded USC's Small Business Clinic in 2007, his unique background shaped the goals for the program: provide law students with practice-ready transactional skills and offer free legal services to fledgling business owners.

Ten years later, his brainchild has evolved into one of the area's most respected legal clinics. More than 85 USC law students have helped 750 clients draft and review contracts, set up corporations and LLCs, draft terms of use for websites and mobile apps and complete countless filings and corporate documents required when setting up a business. Clients run the gamut from food truck owners to children's book authors, beekeepers, microbrewers, nonprofits that bring theater programs to elementary schools and crisis centers that help victims of violent crimes.

Many SBC alumni credit their professional success to Chasalow and the clinic.

"I wouldn't be where I am in my career had it not been for the clinic and Professor Chasalow's mentorship," said Tony Thai '14, assistant general counsel, YP LLC (formerly the Yellow Pages.) "I adjusted to practicing law right off the bat as a corporate attorney because I was taught the foundational skills and knowledge through the clinic. I was able to start on exciting and meaningful work even as a junior attorney."

This is exactly what Chasalow was hoping the clinic would achieve. "Students who have worked in the SBC are more comfortable handling projects, working with partners and interacting with clients," he said.

In addition to instilling technical skills and attention to detail, the clinic teaches students how to work with clients and how to "manage a supervisor."

"I will often tell students how a partner might respond to a particular behavior or work ethic

**"I wouldn't be where I am in my career had it not been for the clinic and Professor Chasalow's mentorship."**  
-Tony Thai '14

to let them know what will be successful and what might cause them problems in the professional world," said Chasalow.

Clinic alumni currently hold a range of positions in and out of the legal field - from successful attorneys at major law firms and in-house counsel to business owners operating their own successful venture.

"The skills that I honed while working in the Small Business Clinic have contributed to my ability to overcome steep learning curves at work," said Olivia Su '14, a senior tax associate



Then: Michael Chasalow with the USC Small Business Clinic inaugural class in 2007.

at Ernst & Young. "I wanted to obtain additional insight into realistic business issues and learn how to resolve them. Professor Chasalow and the Small Business Clinic gave me this."

Chasalow, who received both the 2016 Student Bar Association award for outstanding faculty member and the 2016 William A. Rutter Distinguished Teaching Award, said he is honored to lay the groundwork for attorneys interested in business.

"When I think back on the 85 students who have passed through the clinic, I realize that I have learned as much from them as they have from the clinic," Chasalow said. "I have been so fortunate to have been able to work with such phenomenal students, and, although I would like to say the clinic contributed to the successes of our alumni, these students were destined for success long before they started in the clinic. The SBC just put them on that path a little sooner."



Now: Chasalow with the SBC's class of 2017. "When I think back on the 85 students who have passed through the clinic," he says, "I realize that I have learned as much from them as they have from the clinic."

# Justice for Two Teenagers

## 150 HOURS TO ASYLUM

**Students in the Immigration Clinic win case for persecuted Tanzanian sisters**

By Gilien Silsby

Six years ago, two young girls were brutally hunted down in their tiny African village, machetes flailing as bounty trackers battled for their “magical” albinism body parts.



The Mashamba sisters in Tanzania, after the gruesome attack in 2010.

Today, Bibiana and Tindi Mashamba are safe in Los Angeles, thanks to the work of USC law students who fought for their asylum. The Gould students ultimately proved that the teenagers would face grave danger if they returned to Tanzania.

Bibiana and Tindi’s ability to stay positive through the unimaginable struggles that they have endured is truly inspirational, said Amy Stern ’16, who worked on their case in her final year at USC Gould School of Law. “I joined USC’s Immigration Clinic hoping to be an advocate for the people who need it most, and this case gave me that invaluable opportunity.”

Stern and fellow law student Elena Babakhanyan ’18 logged more than 150 pro bono hours,



The Mashamba sisters visit USC Law with Malena Ruth of the African Millennium Foundation

The Mashamba sisters at USC Gould, flanked by Jean Reisz ’05 (left) and Elena Babakhanyan ’18 (right). With them are African Millennium Foundation leader Malena Ruth and USC Immigration Clinic program director Niels Frenzen.



gathering details of their case to present at an asylum hearing last spring.

They interviewed the girls, their extended family and even a member of the Tanzanian parliament who has albinism. Stern put together documents and evidence showing that the girls were targeted from a young age due to Tanzania’s grisly trade in albino parts. Babakhanyan prepared the teens for their asylum hearing in May.

**“ Bibiana and Tindi’s ability to stay positive through the unimaginable struggles that they have endured is truly inspirational. ”**

-Amy Stern ’16

“Their story was both powerful and important to tell,” said Babakhanyan, a second-year law student.

The sisters had always lived in fear, but in 2010 their nightmares became real: Bibiana, 17, was attacked while sleeping, her right leg and two fingers hacked off. Tindi, 16, hid from the attackers.

Bibiana received an offer for treatment at the Orthopaedic Institute for Children in Los Angeles due to advocacy by the African Millennium Foundation. After Bibiana’s recovery, the sisters faced new fears, this time of deportation. But USC Gould’s Immigration Clinic stepped in to provide assistance — legal representation for the girls to stay in the United States.

“The government in Tanzania is either incapable, or worse, unwilling, to protect people with albinism,” said Prof. Niels Frenzen, director of USC’s Immigration Clinic. “There are government officials who are willing to turn a blind eye to these attacks and killings. We had to prove this, otherwise the girls would have lost their cases.”

Today, the girls attend Montessori high school in Ojai and have dreams of attending law school or becoming doctors. “The law has always interested me, and now I want to make sure these kinds of human rights abuses end,” Tindi added.



Bibiana Mashamba: “We are enjoying a happy ending.”

# LIGHTS, CAMERAS, LEGAL MATTERS

## A Tale of Two Schools

By Anne Bergman

### A new partnership between the IP Clinic and the USC School of Cinematic Arts brings together law students and documentary filmmakers



Filmmaker Patricia Ovando (1. right) participated in a special workshop on intellectual property arranged by IPTLC director Valerie Barreiro (2. left) and USC School of Cinematic Arts professor Lisa Leeman (2. middle). Law students received hands-on legal work experience, while the filmmakers learned about copyright law and the fair use doctrine.

Only steps from the law school, students in the Intellectual Property and Technology Law Clinic (IPTLC) at USC Gould School of Law recently received a rare opportunity: to work with professional and emerging filmmakers on their documentaries.

The collaboration was possible thanks to a first-time partnership with the world-renowned USC School of Cinematic Arts. It also was mutually beneficial. Law students received hands-on legal experience, while the filmmakers learned about copyright law and the fair use doctrine, knowledge that will serve them well in the future.

“Documentary filmmakers often self-censor when they don’t have access to legal expertise,” said Professor Valerie Barreiro, director of the IPTLC. “They may decide not to use archival footage, music, or any other material that they themselves haven’t shot, for fear of facing a lawsuit or a high licensing fee.”

Recognizing that USC has many high-caliber filmmakers on campus, Barreiro approached the SCA and offered the Clinic’s help. She eventually connected with Professor Lisa Leeman, who teaches an intermediate production course.

A documentary filmmaker herself, Leeman knew the advantage of having Barreiro and her students share their legal expertise. “I’ve had to evaluate fair use factors and, in terms of teaching the concept, what’s challenging is that while courts have spelled out general criteria, they have deliberately left this area open to interpretation. Meeting the criteria is all about context. You have to individually analyze and interpret each piece of copyrighted material you want to use.”

USC law student Paul Bruene ’17 assisted the filmmakers of *Into the Trenches*, a documentary about a veteran of the wars in Afghanistan and Iraq, who struggles with PTSD.

Bruene describes himself as “heavily focused on intellectual property.” The collaboration with documentary students, he said, “incorporated what I’ve learned from a number of classes.” He sees the role of the IPTLC students as “mostly risk mitigation. We help move something from ‘maybe okay’ to ‘probably okay’, or even better ‘almost certainly okay.’”

For *Into the Trenches*, the filmmakers wanted to include some third-party footage, brief clips of a local news report, and a few pictures that the editors had found on the internet.

Patricia Ovando, one of the producers of *Into the Trenches*, credits the IPTLC students with helping her team troubleshoot delicate situations by suggesting simple fixes, such as adding context via a voice-over, as well as complicated legal issues regarding fair use specifically with regard to video clips from news or movies. She said that she will apply the lessons she has learned to future films she plans to produce. “For the rest of my career, every time I make a documentary; if I download a photograph, or a clip, I will be asking myself: ‘Is this a fair use and why?’” she says.

The collaboration is gratifying news to Chris Perez ’09, whose student involvement with the IPTLC led to employment at Donaldson + Callif LLP, where he is a partner representing independent filmmakers.

“It’s not only a better learning experience to get the schools working together, it also gives alumni like me a reason to come back to teach and impart any kind of wisdom that we have,” he said.

An avid fan of documentary films, Barreiro said the collaboration is a chance to play a dual role. First, to provide her students with a tangible opportunity to apply the law in a context of a real, expressive work, while sticking to a deadline. And second, to provide resources and tools to the emerging filmmakers.

“When they graduate and produce their films, they’ll be able to make informed choices and reduce their fear of litigation,” said Barreiro. “Ultimately, we want to ensure that we get to see their stories.”



Valerie Barreiro: “Documentary filmmakers often self-censor when they don’t have access to legal expertise.”

# BRINGING THE KHMER ROUGE TO JUSTICE

By Traude Gomez Rhine



Jenn Thomas, '17, second from the right with Cambodia Tribunal Supreme Court Chamber in November 2016.

## Working for the Cambodia Tribunal, students in the International Human Rights Clinic dissected decades-old Nuremberg trials records

When asked to help define “crimes against humanity” in relation to the brutal Khmer Rouge regime that killed almost two million Cambodians in the 1970s, four members of the USC International Human Rights Clinic turned to Nazi Germany and the Nuremberg trials following WWII to find their answer.

In their legal work for the United Nations-backed Extraordinary Chambers in the Courts of Cambodia (ECCC), also known as the Cambodia Tribunal, law students Felicia Cao, Monique Matar, Victoria McLaughlin and Jennifer Thomas left no historical stone unturned as they dissected often obscure case law records of the prosecution of former Nazis, often pushing through issues of translation. They had to find records and books in libraries without digital access. “We basically went through the Nuremberg tribunals with a fine-tooth comb,” said Matar.

Their in-depth research on international law concerning crimes against humanity prior to the 1970s was used to draft bench memoranda and advise judges in the appeal of Case 002/01 against Nuon Chea and Khieu Samphan, two of the top leaders of the Khmer Rouge still alive and able to stand trial.

The Cambodia Tribunal was created in 2005 to bring to trial, in conformity with international standards of justice, senior leaders and those most responsible for crimes committed during the time of Democratic Kampuchea that lasted from 1975 to 1979. The Cambodian Tribunal started its partnership with the USC International Human Rights Clinic in 2012.



Nuon Chea and Khieu Samphan listening to the appeals judgment rendered against them on Nov. 23, 2016.

“This work exposes students, at a deep level, to what international law really is and how to use it effectively for upholding fundamental human rights,” said Professor Hannah Garry, who directs the Clinic. The students learn new methodologies for research and ways of writing for an

international audience and judges from around the globe.

In November, the Supreme Court Chamber of the Cambodia Tribunal upheld the original convictions against Chea and Samphan for crimes against humanity of murder, persecution on political grounds and other inhuman acts.

Present in the courtroom was USC law student Thomas, who had been working for four months on site at the Cambodian Tribunal following her Clinic training.

In her role as a judicial intern, Thomas conducted legal research and wrote memoranda on substantive and procedural issues to assist in the drafting of the appeals judgment; she helped in its editing and revision.

The Supreme Court Chambers heavily relied on the work produced in the Clinic’s memoranda, said Thomas.

“My perspective is that the ECCC is extremely grateful for the work the Clinic has done for the Supreme Court Chambers and uses much of the research and arguments from the memoranda in writing their decisions,” she said. “The ECCC, specifically the Supreme Court Chamber, highly regards USC and its contributions to the ECCC’s work.”

# ON THE CUTTING EDGE OF A LAW



## Students in the Advanced Mediation Clinic feel the emotional tug-of-war of ADA cases

By Christina Schweighofer

Ankit Bhakta '16 vividly remembers his first Americans with Disabilities Act mediation because it came with an unexpected realization: He empathized with both parties. On the one side, there was a plaintiff who was using a wheelchair. On the other side, there was a small business owner facing bankruptcy.

"The ADA litigation was the straw that broke the camel's back with respect to his fledgling business," Bhakta said. "Bringing the parking lot to compliance would have been far too expensive with business being down."

Other students in the Advanced Mediation Clinic at USC Gould School of Law can recall similar cases and emotional conflicts. What they have learned is that ADA mediations are different. They can be especially rewarding to negotiate, but they also come with challenges of their own.

"There's a strict law, and you're making sure you're following that law," said Shuchee Shah '17 reflecting on her ADA experience. "But you're also fighting for a right, not just about money. There's a civil right that has been infringed on."

That makes ADA mediations "emotionally engaging" but in a way also more demanding than others. You're challenged to make sure that you know the law very well," she said.



Federal court panel mediator David Geffen leads a USC clinic on ADA mediation.

Sasha Bassi '17 agrees. Like her fellow students, she has mediated lawsuits ranging from small claims to civil limited to employment law. She mediated two cases under Title III of the ADA

Bassi said. "They are black and white." From the viewpoint of Professor Lisa Klerman, the director of the Advanced Mediation Clinic, ADA lawsuits differ in another way: As

federal court cases, they are often of a higher caliber than state court mediations — which is why she has enlisted the help of experts like David Geffen.

"By co-mediating with professional federal court panel mediators like David, the USC mediators are exposed to a variety of effective mediation techniques," Klerman said.

Geffen has witnessed repeatedly how ADA mediations stun students. They may feel the same empathy split as Bhakta. Or they may come across hyper-litigious plaintiffs

who "have made it their life mission to just say no." Students then find themselves asking: "How do I feel about somebody who's filed multiple claims?" Geffen helps them see the bigger picture: "The students are dealing with real-life power struggles here, and they're on the cutting edge of how this law is playing out 25 years after it was passed."

**"There's a strict law, and you're making sure you're following that law. But you're also fighting for a right, not just about money. There's a civil right that has been infringed on."**

Shuchee Shah '17, reflecting on her ADA experience

where plaintiffs sued a business owner for not providing enough handicap parking. In both lawsuits, it was clear right away that the defendant had violated the law. "ADA cases stand out because the law is very clear,"



Students gain real-world experience in ADA litigation under David Geffen's supervision.



**The Post-Conviction Justice Project has touched countless lives. That's what has kept co-director Michael Brennan going for more than 30 years.**

## THE IMPACT OF MICHAEL BRENNAN

By Gilien Silsby

USC Gould School of Law Professor Michael Brennan has mentored hundreds of fledgling lawyers. He has taught them how to be forceful when arguing in court, diligent when filing habeas petitions and sensitive when meeting nervous clients.

Regardless of where they are today, many alumni say they are forever bound by their involvement with Brennan and the USC Gould Post-Conviction Justice Project (PCJP.) As law students, they have represented hundreds of clients — from juvenile offenders serving life terms to women convicted of defending themselves against their abusers. Brennan's work with the PCJP has fueled and fed him for the past 33 years.



PCJP co-directors Michael Brennan and Heidi Rummel

**“Mike’s even-keeled devotion to his students’ development, along with his willingness to allow his students to own their cases and take risks, is something I will always appreciate,”**

says Adam Reich '09, an attorney with Paul Hastings in Los Angeles.

“I think I’ve stuck with this so long because the work is so interesting,” he says. “The students change, the cases change, and the processes change. It never gets old or boring.”

Under the direction of Brennan and co-director Heidi Rummel, the PCJP offers hands-on legal training to USC law students. They represent clients at parole hearings and in state and federal habeas petitions and appeals challenging violations of constitutional rights.

They have also transformed the legal landscape in California. USC Gould students have fought for new legislation in Sacramento, taken cases to the California Supreme Court and vigorously represented clients who could not afford attorneys.

Although the stakes can be high for the Project's clients, Brennan rarely gets rattled. He is known for his steady manner and patience.

“Mike’s even-keeled devotion to his students’ development, along with his willingness to allow his students to own their cases and take risks, is something I will always appreciate,” says Adam Reich '09, an attorney with Paul Hastings in Los Angeles.

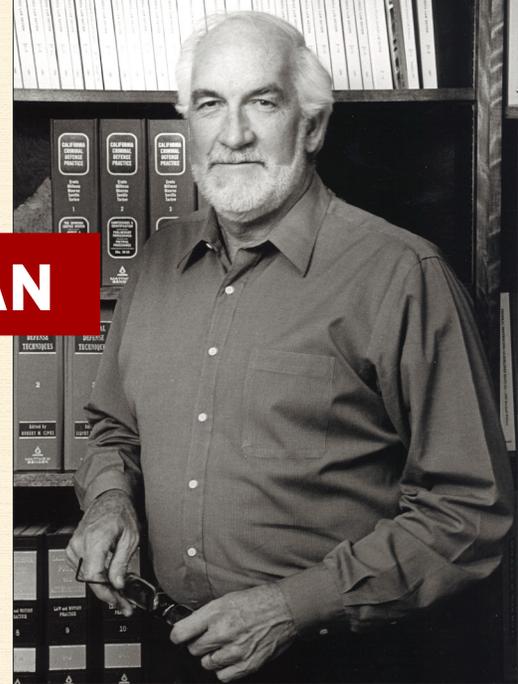
Brennan graduated from UC Berkeley law school in the mid-1960s, just as the Vietnam

protests were raging. His career took him from the California Rural Legal Assistance Fund to the federal public defender's office in L.A. and to Emory University, where he was a clinical law professor. He was later an attorney and partner at a private law firm in L.A., but found civil practice boring and unfulfilling.

“I called a friend and said ‘I’ve got to do something else,’” Brennan recalls. “He told me that USC law was looking for a clinical professor to help supervise its PCJP. I got the job.”

Brennan's students initially represented male prisoners at the Federal Correctional Institution on Terminal Island. But in the early 1990s, the Project also began working with clients serving life-term sentences for murder at the California Institution for Women. Many of them had been convicted of first-degree murder for killing their abusers.

Word spread among the women at CIW, and PCJP's caseload grew exponentially. Still, it was a struggle. Few governors were releasing life-term inmates, not even women who were survivors of abuse, despite a new law allowing expert testimony on battered women syndrome.



The momentum shifted in 2008 when the PCJP scored a victory in the California Supreme Court. USC law students argued that longtime client Sandra Davis Lawrence's due process rights had been violated by the governor's decision to reverse her fifth grant of parole, after she had been fully rehabilitated. The Court agreed and opened the door to judicial review of arbitrary denials of parole for inmates who no longer pose a danger to society.

The ruling's impact was dramatic. At the time of the Lawrence decision, 21 PCJP clients had been released from prison in nearly two decades. In the next five years, another 73 clients were released through grants of parole or successful habeas challenges.

The Project has continued to expand under Rummel and Brennan. Since 2010, it represents juveniles serving adult life sentences, and it helped draft and pass the California Fair Sentencing for Youth Act, which took effect in 2013.

“If you told me 30 years ago that I would still be here, I'd think you were crazy,” Brennan says. “But this is what keeps me going.”



Brennan: “The students change, the cases change, and the processes change. It never gets old or boring.”

# USC Gould

School of Law

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**USC Gould's clinics in pictures (starting top right):**

International Human Rights Clinic students at the Extraordinary Chambers in the Courts of Cambodia; Tanzanian sisters Bibiana and Tindi Mashamba received asylum thanks to the Immigration Clinic; Prof. Chasalow with the inaugural Small Business Clinic class; Prof. Valerie Barreiro, director of the IP Clinic; Federal court panel mediator David Geffen with students in the Advanced Mediation Clinic; and Profs. Michael Brennan and Heidi Rummel with PCJP students.