Greetings! It is a pleasure to present the August edition of our newsletter to friends and graduates of the Remington Center. As befits a newsletter coming on the heels of our busy summer program, this edition is packed with essays by students and clinical faculty, describing the many and varied activities in our clinical programs.

We want to begin by extending our thanks to Administrative Specialist Peggy Hacker, who has mastered the software necessary to provide our newsletter with its newer, more professional "look."

Through no deliberate process, it appears this edition of the newsletter does have a theme, and that theme is "change"—change in our students’ views of their clients, of their own roles, and of the justice system; the healing changes of a victim-offender conference; our clinics' role in creating changes—more accurately, improvements—in the justice system; and changes in the clinics themselves. We hope that this newsletter gives our readers a sense of the Remington Center’s ability to create and implement change, while remaining true to Frank Remington’s vision of our role in providing quality legal education, help to underserved populations, and research about the justice system.

Finally, on the subject of change, we must announce with great regret one significant change at the Remington Center. In 2003, Betsy Abramson joined the Remington Center’s Economic Justice Institute, to create and direct an Elder Law Clinic. Although the clinic has been an enormous success, its two years of grant funding have run out. Given the University’s well-publicized financial problems, the Law School has been unable to commit the resources necessary to provide permanent funding for the Elder Law Clinic. Thus, the Clinic will close its doors as of August 31st, and Betsy will return to the private sector. We thank Betsy for all of the wonderful work she has done—for students as well as for elders—and wish her the best in the future.

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LAIP Changed My Perspective

By Christopher Ladwig
Second year law student

Although I am interested in criminal law, I was apprehensive about working for LAIP this summer because I never worked in the prison environment and I could not imagine feeling fulfilled using my legal knowledge to defend criminals. However, working with my first client, "Mr. Doe," drastically changed my perspective on the legal assistance provided by LAIP and public defenders.

I first met with Mr. Doe in June of 2005, while he was serving time for a revocation of extended supervision (ES) and parole. Mr. Doe explained to me that in 2004 he violated his ES from a sentence he had begun serving in 2000. Upon revocation of the ES, Mr. Doe was reincarcerated for nine months confinement, plus nine months ES. However, Mr. Doe was confused about why his Department of Corrections (DOC) paperwork stated he would have to serve twelve months.

Working with my first client, "Mr. Doe," drastically changed my perspective.

My initial research of the revocation paperwork and court revealed that Mr. Doe was incorrect in his belief that the DOC was going to hold him three months too long. Mr. Doe was present at the hearing for his ES violation where he received nine months confinement and nine months ES. However, Mr. Doe did not realize that he also violated parole on a different sentence. Mr. Doe was not present when an administrative law judge imposed an additional three months confinement for the parole violation after revocation a total of twelve months.

With regard to his SSDI, I spoke with the prison social worker, who explained that Mr. Doe would receive his SSDI upon his release, but they would not start the paperwork until three months prior to his release. Since Mr. Doe was my first client, I also did a cursory reading of his sentencing transcripts from his convictions in 2000, principally to familiarize myself with the paperwork contained in an inmate’s file. One part of the transcript caught my attention. I found a discrepancy between what the judge ordered during sentencing and the Judgment of Conviction (JOC). Using my rusty mathematical skills, I went to work trying to understand what the implications were for Mr. Doe’s sentence calculations.

As a result of this discrepancy, I discovered that Mr. Doe had served three months too long in initial confinement for his sentences in 2000. Thus, he should be released three months earlier from the revocation time he was currently serving. To rectify the discrepancy, I drafted a Motion to Correct a Clerical Error in the JOC, and filed it with the court.

While the motion worked its way through the court system, I had to deal with the urgency of trying to persuade the prison social services to initiate Mr. Doe’s SSDI paperwork immediately, so that it would be ready for an earlier release. If Mr. Doe’s SSDI was not ready upon his release, it would compound the already difficult environment he faced as a just-released inmate. The unit leader of the prison social services refused to initiate any SSDI paperwork until the court issued an order for an early release. This left Mr. Doe in a very difficult spot, and it seemed utterly unfair to me that the justice system, which made the sentencing error, refused to set right its own mistake. Further, I felt that the bureaucracy was hurting itself and society by refusing to prepare SSDI payments that Mr. Doe will need to survive outside of prison.

Realizing the importance of Mr. Doe’s receiving his SSDI payments, I decided to call the DOC officials who determine the social services policies for the entire prison system. The DOC official I spoke with was very receptive to Mr. Doe’s situation and ordered the prison officials to initiate Mr. Doe’s SSDI paperwork. Although the SSDI payments may not be ready upon his release, they will be forthcoming much closer to his release date than they would have been otherwise.

Explaining my findings and their implications to Mr. Doe was the most challenging component of this process, and one where I was least successful. Mr. Doe believed that his reincarceration time should only have been for nine months for a violation of ES, and that the additional three months resulted from an error by the DOC. One of my responsibilities as Mr. Doe’s student attorney was to explain that the result Mr. Doe hoped to achieve—three months less confinement—was attainable, but not for the reasons he believed. I met and spoke with Mr. Doe on several occasions attempting to explain his situation. I even drew timelines and charts, but for some reason I struggled to clarify that he could get out three months earlier not because of an error by the DOC in 2003,
but rather because he served three months too long during his previous confinement due to an error in the JOC issued by the court. In the end, Mr. Doe grew weary of the explanations and merely wanted to know that I was working to get him out of prison on July 15th. My inability to explain this to Mr. Doe was disheartening and confusing. He never trusted my legal analysis, but appreciated my work anyway.

With less than a week left before July 15th, the Motion to Correct the Clerical Error was granted by the court and sent to the prison. The prison officials agreed that the court order meant that Mr. Doe should be released on July 15, 2005.

I spoke with Mr. Doe one last time. He thanked me for my hard work and told me that he knew all along that the DOC was wrong to try to keep him in prison until October.

The difference of three months may seem insignificant or not worth all the work, but it was to me and it certainly was to Mr. Doe. In my legal assistance for Mr. Doe, I no longer saw him as a criminal, but rather as a person seeking justice who did not have the means to reach that goal on his own. The fulfillment of helping Mr. Doe reach the result he saw as just far surpassed any experience I have had thus far in my law school career. I still am unsure if I could make a career in public defense, but being an advocate for people like Mr. Doe was a far more noble and fulfilling endeavor than I had anticipated.

Finally, after 22 years... the chance to "tell my side of the story."

The Healing Power of Victim-Offender Conferencing

By Shira Phelps
Second Year Law Student

The offender was convicted of killing a man in 1983. The victims involved in this Victim Offender Conference were the two daughters of the man killed. At the time, they had been teenagers. After serving 22 years in prison, the offender has been diagnosed with cancer; he applied earlier this year for compassionate release, but was denied. After the hearing on compassionate release, the older daughter decided she wanted to meet with the offender before he died. The younger daughter decided to join her.

Pete DeWind, Director of the Restorative Justice Project, received the referral for this case in mid-April. There was some urgency to this case, since the offender’s cancer is terminal and according to doctors he could die any day. Accordingly, a process that often takes many months, if not years, was completed in a few weeks. Both parties were eager to meet. By the time I was assigned to the case on May 23, 2005, the day I started my internship, the conference had been set for May 27th, four days later. On May 26th, I met the offender for the first time, when Pete and I talked to him about final preparations for the conference.

The day of the conference, Pete, another student intern, and I met with the two daughters, the older daughter’s husband, and their county victim advocate for lunch. The two daughters seemed in good spirits, anxious to get the conference underway. Still, there was slight nervousness right below the surface of our conversation.

After lunch, the seven of us left for the medium-security prison where the offender was incarcerated. There we met a prison security officer and the offender’s social worker, both of whom would be sitting in on the conference.

After getting the daughters and the others settled in the room where the conference would take place, Pete and I met privately in another room with the offender. The offender, who had been in a wheelchair the day before, walked with some difficulty to shake our hands. He told us he was feeling fine and was excited to meet with the daughters, and to finally, after 22 years, have the chance to “tell my side of the story.” Pete explained who would be in the room with us. He explained to the offender that we expected the older daughter to do most of the talking and asked most of the questions. We reminded the offender that, in line with the voluntary nature of the whole process, he was not required to answer. After a few minutes, we went to join the others and begin the conference.

The older daughter nodded at the offender when he sat down, but nothing was said. Pete took a few minutes to introduce everyone in the room, then explained the basic format of the meeting.

The older daughter began by asking the offender questions about his connection to the family and what the offender thought of her father, the homicide victim. The offender described the father as bossy and abusive. Both daughters agreed. The older daughter spoke of her mother’s desire for a divorce and her fear of what her husband would do to her and the daughters if she left. Her mother was terrified to lose her daughters, so she did not proceed with the divorce.

The offender then told his account. He paused many times while telling it, possibly nervous or perhaps making sure it was sinking in. Although he claimed that another man had been heavily involved with the murder plot, he apologized many times and spoke of his regret. “I never said I was innocent,” he said. “I realize that I have to pay for what I have done, and I know I deserve to be in prison.”

There was silence for a few moments. The offender apologized for his participation in killing their father. “The older daughter asked the offender why he agreed to help kill her father. The offender looked down at the table and said, “I can’t believe how I could get involved in something so terrible.” He acknowled-
edged responsibility for his involvement in the killing and apologized again. The offender said he applied for compassionate release because he believed he had finally "done his time" and wanted to spend his little remaining time with his mother. The older daughter asked if there was ever enough time when you take another person’s life. "I can't take it back," the offender said.

The older daughter explained how their lives had been ripped apart by the murder of their father. It was a small community and everyone knew what had happened. Growing up, they constantly felt everyone was "watching them and talking about them." The offender apologized for that. The older daughter thanked him. The father had been abusive; everyone agreed on that. The daughters seemed more traumatized by the community’s treatment of them than by the loss of their father.

The most dramatic moment of the conference came when the older daughter told the offender that he probably saved their mother's life by killing their father. Pete and I went to talk to the offender for a few minutes. He said meeting with the two daughters felt good. Pete encouraged him to ask the daughters any questions he might have. After about five minutes, we resumed the conference.

The offender asked how the killing had affected the daughters, and they told him the effects had been profound, but they had tried to be as normal as possible. The older daughter’s husband said that she still had a lot of fear and paranoia. The younger daughter said, "I don't take any crap," and she said she thought her father's abuse of her mother affected her more than it had her sister. Both daughters talked about feelings of fear and of "feeling trapped." The offender asked if he had ruined their lives. They told him he had changed their lives forever, but had not ruined them. They explained how every relationship in their lives is marked by what happened. The younger daughter talked about how protective their mother had been. Both daughters voiced concern about their mother's emotional and psychological health.

The offender told the daughters how sorry he was, that they can't begin to know how sorry he was for getting involved, and that he will be sorry "forever." The older daughter thanked him for meeting with them and for his sincerity.

This was my first experience with a victim offender conference. I had met the offender for the first time the day before the conference. He is a fifty year old man dying of cancer. His attitude was, "I am dying, no one can hurt me anymore, I just want to tell my story." To me, and to the others who participated in or observed the conference, the offender seemed truthful about the course of events, and sincere in his remorse. Both daughters seemed relieved after the meeting, and very satisfied with it.

I arranged to speak with the offender a few weeks after the conference. He told me he felt good about "getting it all out." Our conversation focused on his hope that the meeting had helped the daughters in some way. He wanted to know if the meeting had helped them heal or find any kind of closure.

In a conversation with the prison security officer a few weeks later, she told me that she believed the conference went very well. This was the first victim offender conference she had observed. She was impressed at the thoroughness of our preparation with the offender and victims. She felt the meeting gave the daughters "an opportunity to let go of some of their fears." For the offender, she felt the meeting brought him face to face with the consequences of his actions. He was required to listen to all the effects the murder had on the daughters, the family, and the community.

I also spoke with the offender's social worker and the victim advocate a few weeks after the conference. The social worker thought the format worked very well and that everyone was extremely prepared. In his conversations with the social worker following the meeting, the offender voiced his appreciation for the opportunity to tell his account of what had happened. The victim advocate had been hesitant to attend the conference, but was glad she did. She felt it went very well and "gave the daughters something they needed."
Persistent Students Win Relief for Client

By John Pray
Clinical Professor

Mark Swartz and Mike Murray began as students in the Wisconsin Innocence Project in May of 2002. Three days later, they met their first client at Waupun: "Charles," who was serving a 44-year sentence for an armed robbery. They were immediately impressed with Charles, and returned to the office with the kind of exuberance often seen in beginning clinical law students who are eager to sink their teeth into a case. As their supervising attorney, I cautioned against getting their hopes too high, and suggested that they start by researching a fairly simple legal question relating to Charles’s case.

None of us realized that we had embarked on a three-year immersion into all aspects of what turned out to be a very complex case. But as often happens in our "big cases," one thing led to another and we were soon up to our necks. The more the students dug into the case, the more questions they had, and the more concerned they became over the fairness of the trial and the validity of the client’s conviction. This led to countless trips to interview witnesses and examine documents, as well as more research into the law.

Because of the complexities of the case, by the time that Mark and Mike’s one-year internship ended, we only had a rough draft of a motion for a new trial or reduction in sentence. But they had another year of law school left, and they signed up for an additional year at the Remington Center so they could continue working on the motion.

Even this additional year was not enough to complete the case. More revisions were necessary. Finally Mark and Mike ran out of time, graduating from law school in May, 2004. I wondered how I could transfer such a case to new students who would know nothing about the case. Perhaps, I thought, I should just complete the case myself.

But Mark and Mike answered the question for me. Both felt that they owed it to Charles to finish what they started—even though they had now graduated and taken on new jobs as attorneys. Finally, with their continued help, we completed a motion for a new trial and filed it in early 2005.

After several hearings, the case was finally resolved. Charles did not get his conviction overturned, but negotiations with the district attorney led to a settlement in which Charles’ sentence was reduced from 44 to 20 years. It was a fair resolution, given the uncertainties of the outcome if the postconviction motion had been litigated, and it means that Charles will be entitled to mandatory release in three more years. Charles was most grateful for the work that had been put into his case, and sent heartfelt letters of thanks to Mark, Mike, and myself. As for Mark and Mike, they learned that persistence, hard work, and a strong sense of believing in the mission really can pay off. And they proved that being a “Remington Center student” does not end when the semester grades are turned in.

Wisconsin Innocence Project Helps Exonerate Eau Claire County Man

by Meredith Ross
Clinical Professor

On April 29, 2005, the Wisconsin Innocence Project, working closely with La Crosse Attorney Keith Belzer and the State Public Defender’s Office, helped to win the exoneration of wrongly convicted ex-police officer Evan Zimmerman, when the presiding judge dismissed the murder charge against Mr. Zimmerman in mid-trial. This was the third exoneration won—and fourth prisoner released—through efforts of the Wisconsin Innocence Project law students and clinical faculty.

The Remington Center first took Mr. Zimmerman’s case in 2001, when the Public Defender’s Office appointed the Criminal Appeals Project to represent him on direct appeal of his Eau Claire County conviction for first-degree intentional homicide. Criminal Appeals Project students and clinical faculty investigated and developed new evidence of Mr. Zimmerman’s innocence. When those students finished their year at the Remington Center, the case was transferred to the Innocence Project to continue pursuing Mr. Zimmerman’s claim of innocence.

On August 12, 2003, the Wisconsin Court of Appeals reversed Mr. Zimmerman’s conviction. The court accepted the Innocence Project’s argument that Mr. Zimmerman had been denied his right to effective assistance of counsel because trial counsel failed to introduce exculpatory DNA evidence; failed to obtain independent medical testimony that undercut the state’s theory of guilt; and failed to challenge hypnotically refreshed testimony obtained in violation of standards set by the Wisconsin Supreme Court.

Despite the powerful evidence of Mr. Zimmerman’s innocence, the state chose to retry him. The Innocence Project agreed to continue to assist Mr. Zimmerman at his retrial, by working with his new trial counsel, Keith Belzer, who had been appointed by the State Public Defender’s Office.

Innocence Project students con-
General’s new “Model Policy and Procedure for Eyewitness Identification.” The project was initiated in response to the many wrongful convictions, including that of Steven Avery, caused by mistaken identification.

The new “Model Policy” incorporates modern scientific understanding of the causes of eyewitness error and adopts procedures proven to reduce that error. For all lineups, photo arrays, and showups, the new policy recommends: 1) appropriate “fillers” that match the witness’s description of the perpetrator; 2) double-blind administration, in which the person conducting the procedure does not know the suspect’s identity; 3) non-biased instructions in which the witness is told that the true perpetrator may not be present; 4) sequential (one at a time) rather than simultaneous (all at once) presentation of subjects, to discourage witnesses from making comparative judgments that can lead to selecting an innocent suspect simply because he/she resembles the perpetrator more closely than the other lineup subjects; 5) assessment of eyewitness confidence immediately after an identification; and 6) avoiding multiple identification procedures in which the same witness views the same suspect more than once. A complete explanation of these recommendations, can be found at http://www.law.wisc.edu/fjr/innocence/AG%20Model%20Policy.pdf

As more and more agencies adopt the Model Policy, it will become less likely that the tragedy of Steven Avery’s case will be repeated in Wisconsin.

The Wisconsin Criminal Justice Study Commission

Although the Avery Task Force has completed its work on the issues it set out to address, and although the Attorney General’s Office has now adopted recommendations for best practices in eyewitness identification procedures, the job of improving the truth-finding functions of the criminal justice system is far from complete. To carry on this work, the Wisconsin Innocence Project, on behalf of the UW Law School, has partnered with Marquette Law School, the State Bar, and the Attorney General’s Office to create a Criminal Justice Study Commission.

The Commission is charged with identifying and remedying problems in the state’s criminal justice system. The Commission was formed in part to address the hundreds of recent exonerations around the country, and to build on the work of similar commissions in other states, including Illinois, North Carolina, and Virginia, as well as the work of the Avery Task Force.
The Commission is made up of well-respected criminal justice professionals from every facet of the system, including prosecutors, defense attorneys, judges, police, sheriffs, and victim’s advocates. It also includes a number of community leaders from outside the criminal justice system. The Commission members will have freedom to determine their own agenda and work product, and will therefore be able to address, in whatever manner they deem appropriate, the problems they consider most pressing. Innocence Project Co-Director Keith Findley, along with UW Law Professor Michael Smith, will be Commission members. The Commission’s first meeting is set for August 31st, with approximately four more meetings over the following year. For more information on the Commission in the coming months, go to http://www.law.wisc.edu/FJR/innocence/index.htm.

Amicus Curiae Briefs
Finaly, the Wisconsin Innocence Project has been busy this past term filing amicus curiae briefs in the Wisconsin Supreme Court on important issues affecting the reliability of the criminal justice system’s truth-seeking mechanisms. Over the past nine months, Innocence Project students and clinical faculty filed amicus briefs in five cases. Four of those cases have now been decided, and a fifth will be decided next term. In the four decided cases, the Court adopted, in whole or in part, the positions advocated by the Innocence Project. Those cases, and the issues addressed, include:

State v. Jerrell C.J., in which, among other things, the Court mandated electronic recording of custodial interrogations in juvenile cases.

State v. Dubose, in which the Court adopted the Innocence Project’s proposed standard, which holds that eyewitness evidence is inadmissible if it is obtained in an unnecessarily suggestive manner. The case dealt specifically with admissibility of evidence obtained through a one-person “showup” procedure. The Court held that, under its newly adopted standard, showup evidence is admissible only if police, because of lack of probable cause or other exigent circumstances, could not conduct a proper photospread or lineup.

State v. Armstrong, in which the Court granted a new trial in the interest of justice based on newly discovered evidence undermining some, but not all, of the state’s evidence at trial. In the course of granting the new trial, the Court agreed with the Innocence Project’s request to revise the legal standard for granting a new trial based on newly discovered evidence. The Court overruled a previous court of appeals decision holding that the defendant must show by “clear and convincing evidence” that the new evidence would create a “reasonable probability of a different outcome.” The Court agreed with the Innocence Project that the “reasonable probability of a different outcome” language states its own standard, and that a defendant therefore need not also meet the more difficult “clear and convincing” standard, in order to gain a new trial based upon newly discovered evidence.

State v. Moran, in which the Court held that a defendant who seeks postconviction DNA testing under Wis. Stat. § 974.07, is entitled to access to that DNA evidence as a matter of discovery for testing at his or her own expense, regardless of whether the defendant can show that favorable DNA test results would create a reasonable probability of a different outcome. The Court found that under the plain language of the statute, such a showing would be necessary only to obtain court-ordered testing at state expense.

Finally, the Innocence Project recently filed an amicus brief in State v. Shomberg, a case that will be decided next term. In that case, the Project has urged the Court to adopt a presumption of admissibility of expert testimony regarding eyewitness identification evidence.

Through these efforts, students in the Wisconsin Innocence Project have continued to have the opportunity not only to represent individual clients, but also to critically evaluate the criminal justice system and actively participate in the process of improving the fairness and reliability of that system.

In the four decided cases, the Court adopted, in whole or in part, the positions advocated by the Innocence Project.

Name Change Reflects Expanded Role for FCAP

By Marsha Mansfield
Clinical Assistant Professor

This summer, FCAP students began extending the scope of the program to include more training for pro se individuals on domestic violence and the restraining order process. The students also attended and assisted at the National Civil Law Institute in Chicago, sponsored by the ABA Commission on Domestic Violence.

The students have offered workshops at the Dane County Job Center on the divorce process, custody and placement, child support, and restraining orders. FCAP students also meet individually with pro se litigants at the Dane County Courthouse, and at a community office located...
at the Villager Mall on Madison’s south side. In addition, FCAP is strengthening the resources available to low-income litigants in the county’s family court system. Students have assessed areas of limited assistance and drafted court forms and tip sheets for litigants in less common actions, such as grandparent visitation.

FCAP’s broadened scope allows the students to offer more comprehensive workshops and individual assistance to the many family law litigants in Dane County who are attempting to navigate the system without lawyers.

Transitions at the Neighborhood Law Project

By Juliet Brodie

Clinical Associate Professor
Director, Neighborhood Law Project

The 2005-06 academic year will see some changes at the Remington Center’s Neighborhood Law Project (NLP), the clinic that provides free civil legal services to Madison’s low-income residents. I will be on leave for the year, having been invited to visit at the Community Law Clinic of the Stanford Law School in Palo Alto, California. NLP alumna Vicky Selkowe will take my place for the year, and the program will continue to run uninterrupted.

Assistant Clinical Professor Marsha Mansfield will continue to work in NLP half-time as well. Vicky Selkowe graduated from the UW Law School in 2003, and received a nationally prestigious Skadden Arps Public Interest Fellowship for her first two years following law school. The fellowship allowed Vicky to work for two years with the Economic Justice Institute, Inc. As a Skadden Fellow, Vicky’s project was to represent public benefits recipients in administrative hearings and fact findings, and with general advocacy related to their benefits.

The advent of welfare reform dramatically changed the legal scenario for welfare participants. Prior to Vicky’s fellowship, there were almost no lawyers in Dane County working with these individuals to solve the income security and other problems that arise when something goes wrong, as it so often does, in their benefits cases. Vicky single-handedly brought a new level of accountability to the public agencies and contractors who administer W-2, Food Stamps, Medicaid, and other income support programs in our community.

In addition to her individual cases, Vicky engaged in policy work on behalf of W-2 participants and low-wage workers. She testified on numerous bills at the state, county, and municipal levels; organized a county-wide anti-poverty team of advocates to leverage their impact on individual cases and policy matters; and trained hundreds of social workers, advocates, and others on how to prevent and solve problems for people in the new welfare system.

Vicky has become a leader in our community’s efforts against poverty and for economic justice.

Through her fellowship, Vicky has also worked closely with NLP, and she is in a good position to assume responsibility for supervising students in the clinic. She will bring new energy to NLP’s benefits practice, and will supervise students in landlord-tenant and unpaid wage and overtime cases as well.

As other articles in this newsletter indicate, NLP’s practice is booming. Last year, NLP students interviewed over 200 people at their South Side office, and went on to represent almost half of them. Additionally, NLP students worked on campaigns with the Workers Rights Center, and conducted community education workshops to audiences of low-income people and advocates throughout Madison and Dane County. With Vicky’s leadership, the program will continue to thrive during the next year.

For more information about NLP, see: www.law.wisc.edu/jfr/eji/neighborhood/index.htm or contact Vicky Selkowe at 262-4013 or vsselkowe@wisc.edu.

NLP Students Help Newly Homeless Families on Allied Drive

By Angela Thundercloud

Second year law student

This summer, NLP is experimenting with expanding its intake locations to include on-site hours in Madison’s Allied Drive neighborhood. Frequently in the news, Allied is Madison’s highest profile “challenged” neighborhood right now, with high rates of poverty, crime, and failing housing.

Attempting to respond to some of these challenges, the City of Madison has partnered with private developers to build new housing. A new Boys & Girls Club is under construction, and many social service providers are focusing on the families in Allied Drive. Wishing to make NLP’s services more accessible to the residents of this geographically-isolated neighborhood, NLP students are now holding intake...
hours at Allied on Tuesday and Thursday mornings. In the piece below, written as an e-mail to her family describing her experience, NLP student Angela Thundercloud describes what she and a colleague encountered a few weeks ago when they arrived for their Allied shift.

One of the other NLP students, Jaime, and I were scheduled to be at an office on Allied Drive to do intakes for clients with housing, public assistance, or unpaid wage issues. However, we had received an e-mail the night before that two buildings on the street had been condemned by the city of Fitchburg, and the residents (approximately 14 families) had to be out of the buildings at 10am. Wanting to see if we could help, we headed over to the corner of Jenewein Road and Red Arrow Trail.

The smell coming out of the building was terrible. People told us they had not had hot water for two weeks. No one knew how to contact the landlord to get their security deposit returned.

We watched the former residents move their things out of the building and into the parking lot. The smell coming out of the building was terrible. People told us they had not had hot water for two weeks. No one knew how to contact the landlord to get their security deposit returned.

At a neighborhood meeting the night before, other landlords in the area were willing to take applications from the soon to be homeless residents. However, today, on the day of their eviction, the landlords were saying it would take at least a week to process applications to get the displaced residents into a new apartment. Some people had cars they were loading up with their things. Other people just had suitcases and garbage bags sitting outside.

The scene was a mess of confused people, and very emotional. Police officers started arriving. People were saying they didn’t know where to go. Jaime and I started taking down people’s names and information on how long they had lived at the apartment, what they had paid in rent (which most residents said was $650.00 per month), how much their security deposit was, and what the conditions were like in their apartment. Most of the residents had lived there for less than three years. Many said they had tried to do their own improvements upon moving in, like painting, trying to clean the carpet, fixing leaky plumbing. Many who had moved in during the last three years had signed for the apartment “as is” with no cleaning or repairs being completed from the last tenancy. Jaime and I wondered if the conditions of most of the apartments would qualify the residents for rent abatement. We also noticed that some people in the neighborhood thought the residents shared responsibility for the problem: how could they have let their homes get into that condition? As law students, we knew that any allocation of responsibility would ultimately require investigation into the residents’ requests for repairs, complaints to the building inspector, and any response made by the landlord.

We came back to the Neighborhood Law Project office and started talking with two of our supervising attorney/professors and the other clinical students. I was upset that we couldn’t do anything more for the evicted families than try to help them eventually get their security deposit back from the landlord. The families needed housing immediately.

Then one of the supervising attorneys brought up Emergency Assistance. Emergency Assistance is administered through the county to help parents with children avoid or prevent homelessness, by providing grants of $150 per person towards rent or a security deposit. I felt some relief that we might be able to provide help to the former tenants of the condemned buildings by bringing copies of the application for Emergency Assistance to them.

We quickly made the copies of the application and hurried back to the condemned buildings, hoping there would still be someone there we could talk to. As we drove, we reviewed the qualifications for Emergency Assistance. People are only eligible every three years, and only people with dependent children are eligible, so we had to be careful in not promising to help everyone with an application. It was difficult to explain to some of the residents without children, who also needed help with money for a security deposit for a new apartment, that they simply weren’t eligible for the program. A single man with great medical needs and a couple without children were also in need of housing assistance, and we had nothing to offer them.

This was a different situation than we normally face in our clinical law practice because we generally do not handle any type of emergency situation. Usually we have weeks to prepare for a joiner conference or other administrative procedure. We discuss every option and are very deliberative in our process. Here, we had to respond on the fly.

While we were interviewing former residents and beginning to fill out the applications, we learned the Salvation Army was sending a bus for the remaining group who had not disappeared to stay with friends or relatives. The news cameras were still rolling on the fifteen or so people who boarded the bus to get vouchers from the Salvation Army for a two-week stay at the Super 8 Motel.

We took the bus with them to the Salvation Army to continue filling out the applications for Emergency Assistance.

We took the bus with them to the Salvation Army to continue filling out the applications for Emergency Assistance. We worked with Rita Adair and Tom Duter from Joining Forces for Families to fax the applications to the county. Back at the NLP office, our supervising attorneys contacted the county and let them know the applications would be coming in and the situation of the former residents of the condemned buildings, to try to expedite the applications.

I felt like I was in crisis mode that day. It was so sad to watch the residents being shut out of their homes. But, partially I was relieved that no one would be liv-
order to extend its patent on the drug, including paying a would-be manufacturer of the generic equivalent of Hytrin to keep that generic off the market. As a result, according to the complaint, thousands of Wisconsin seniors - many on fixed incomes with no prescription drug coverage - paid unjustly high prices for Hytrin for many years.

The Consumer Clinic represented the named plaintiffs - an elderly couple from Logansville, Wisconsin - and all other Wisconsin consumers who had purchased Hytrin and its generic equivalent for a ten-year period between 1995 and 2005. CLLC students (and now graduates) Erin Riley, Colin Fairman, and Phil McCarty worked on this case, interviewing the clients, drafting the complaint, and preparing the named plaintiffs for depositions. Once filed, the complaint became part of a multi-district litigation based in federal district court in Florida.

Earlier this summer, the district court approved a settlement of $30.7 million. Consumers in eighteen states (including Wisconsin) are eligible for refunds, based on the amount of Hytrin (or its generic equivalent) which they purchased during the liability period. The amount of the refund will depend on the number of consumers who submit claim forms.

This summer has been full of experiences that culminate with the startling realization that people in our community are struggling with poverty. Working at the Neighborhood Law Project has allowed me and the other students in the clinic to think about our future careers as lawyers and the expectations we have for ourselves of using our training to make a difference.

Contributions Support Remington Center's Summer Students

By Meredith Ross
Clinical Professor

The Friends of the Remington Center Endowment (FORCE) is a private non-profit corporation which raises funds to supplement summer stipends for Remington Center students. Over the past few years, FORCE has raised over $200,000. Our ability to supplement summer student stipends allows students to afford to participate in our full-time summer clinics, rather than working at a law firm or other summer employment.

We thank all who have donated so generously, and remind readers that FORCE welcomes donations from those interested in giving to support student stipends. If you would like to make a tax-deductible donation to FORCE, please send a check or money order to:

Friends of the Remington Center Endowment
975 Bascom Mall
Madison, WI 53706

Again, thank you for supporting the students and mission of the Remington Center.