Greetings! It is a pleasure to present the August edition of our newsletter to friends and graduates of the Remington Center. As always, this edition is packed with essays by students and clinical faculty, describing the activities in our clinical programs.

We begin with a "milestones" section, which describes not only the arrivals and departures of our clinical faculty, but also their many and varied publications. Newsletter essays by our clinical faculty include Michele LaVigne’s description of he newest project, developing sign-language interpretations on DVD of Wisconsin’s guilty-plea form; Ben Kempinen’s description of the Remington Center’s upcoming police-prosecution internships; and Byron Lichstein’s update on activities of Wisconsin’s Criminal Justice Study Commission.

Student essays include Carla McKenzie’s explanation of how her work in the Family Law-Restorative Justice Project prepared her for "real world" big-firm work; Nick Abts’ insights on why prison is not, and should not be, ‘the end of the process’; and a student’s letter exemplifying the Remington Center’s educational mission.

We hope that you enjoy the mixture of information, insight, and opinion in this edition of our newsletter. Remember, we’d love to hear from you! If you have responses, comments, or essays of your own, please email Meredith Ross at mjross1@wisc.edu. With your permission, we’d be happy to include them in the next edition.

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Clinical Faculty Milestones

By Meredith Ross
Director

The Remington Center has been a hive of activity in the past year or so, and we thought it appropriate to update our readers on the accomplishments of our clinical faculty.

Comings and Goings

Clinical Associate Professor Juliet Brodie has accepted a position at Stanford Law School. As our readers may be aware, Juliet was for several years the director of the Neighborhood Law Project, and co-director (with Clinical Professor Steve Meili) of the Remington Center’s Economic Justice Institute.

Clinical Assistant Professor Ken Casey retired in June, 2006. Many of our readers will know Ken, who has directed the Remington Center’s Criminal Appeals Project since his retirement from the Wisconsin State Public Defender’s Office. This time, Ken is retiring for real. He plans to enjoy family, travel, and the occasional criminal appeal.

Many of you may recall David Connally. David spent two years as a member of the Remington Center’s clerical staff, then decided to attend law school. As a UW Law student, David participated in the Neighborhood Law Project, and also worked for two years as a “screening interviewer” for the LAIP project. Since his graduation from the Law School in May, 2006, David has spent the summer as a clinical instructor in LAIP. He will be leaving the Remington Center in mid-August to move to Toronto with his wife, Maureen.

Clinical Instructor Mark Edwards will be leaving the Remington Center at the end of August, 2006. Mark has spent the past year as a part-time instructor in the Criminal Appeals Project. He plans to teach classroom courses at the Law School during the next academic year.

Byron Lichstein has been hired as a Clinical Assistant Professor at the Remington Center, where he succeeds Ken Casey as director of the Criminal Appeals Project. Byron previously spent two years as a grant-funded clinical instructor, working in the Criminal Appeals Project and Innocence Project, and staffing Wisconsin’s Criminal Justice Study Committee. Byron’s update on the Committee appears elsewhere in this issue.

We welcome William Rosales, who joined the Remington Center in May, 2006 as a clinical instructor in the LAIP project. William is a 2005 UW Law graduate who participated in the Prosecution Project while he was a student. Since joining us in May, William has contributed greatly to the teaching, research, and service missions of the Center.

Clinical Instructor Vicky Selkowe has left the Remington Center for private practice. Vicky spent two years (2003-2005) as a Skadden, Arps Fellow with the Neighborhood Law Project, and then served an additional year as acting director of NLP while Juliet Brodie was on leave at Stanford.

Finally, in 2005, the following clinical faculty members were promoted to the title of Clinical Professor: Keith Findley, Michele LaVigne, Steve Meili, Judy Olingy, and John Pray. In addition, Juliet Brodie was promoted to Clinical Associate Professor. We extend our congratulations to all of them.

Thanks to all who have worked with us at the Remington Center; it has been a pleasure to have your ideas, your energy, and your company. We wish you the best!

Publications

Our clinical faculty have been a very busy group! Below is a list of their recent publications; space limitations preclude us from including faculty members’ other outreach and conference activities, though they are numerous and impressive.

Professor Walter Dickey recently published “The Search for Justice and Safety Through Community Engagement:
PDF document text:

**Remington Center DVD Project**

**Clinical Professor Michele LaVigne**

The Remington Center recently received a Wisconsin Law Foundation Grant for Phase I of a project creating a sign language version of the "Guilty Plea Questionnaire/Waiver of Rights" form on DVD. The goal of the project is make the questionnaire, used in almost every guilty plea in Wisconsin, accessible to a substantial number of deaf people who rely on sign language to communicate.

**Clinical Professor Steve Meili**

In 2005, Michele was honored as the "Distinguished Member of the Year" by the Wisconsin Association of the Deaf.

Clinical Associate Professor Ben Kempinen has published two articles on the ethics of dealing with unrepresented individuals:

* "Dealing Fairly with an Unrepresented Person," 78 Wis. Lawyer No. 10 (October 2005).

**Clinical Professor John Pray**


Clinical Assistant Professor Mary Prosser has written an article on discovery in criminal cases, entitled "Reforming Criminal Discovery: Why Old Objections Must Yield to New Realities," 2006 Wis. L. Rev. 541 (forthcoming).

Clinical Professor Meredith Ross published "Sentence Modification and Early Release for TIS Inmates" in the Winter/Spring 2005 volume of The Wisconsin Defender, at p. 1. In the fall of 2005, she revised the LAIP Desk Book, a compendium of information sheets and pro se materials available in Wisconsin's prison law libraries. In the spring of 2006, Meredith was awarded the Wisconsin State Bar Young Lawyer's Forum Outstanding Young Lawyer Award for Leadership.

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by members of the deaf community in Wisconsin, who will help assess the interpretations’ accuracy and efficacy.

During Phase II of the project, the interpretations will be adjusted based on comments from the deaf viewers, and re-recorded. We will then work with the Wisconsin Supreme Court’s Committee on Court Interpretation and members of the legal community on the dissemination process. We hope to make these DVDs available to lawyers and to courts, so that deaf individuals can better understand the critical guilty plea process.

How the Remington Center Prepared Me for Big Firm Work

By Carla McKenzie
Third Year Law student

I always have been apprehensive about law firms. I never imagined that I would pursue the life of a "corporate" lawyer. As I told one of the partners at the firm where I have been an intern this summer, "I was not bred to be a lawyer" -- much less one who defends corporations. The partner asked, "Why? Were your parents commie-pinkos or something?" I laughed and answered "No, but close."

My parents are Jamaican immigrants who raised me to have a strong sense of social justice. For most of my life, I interpreted "social justice" to mean that the world is flat, that there are "good guys" and "bad guys," "right work" and "wrong work," the "deserving" and the "undeserving." I wanted to work for the good guys, the deserving, the "right" causes.

After my year at the Remington Center, I was even more committed to working for social justice. I also, however, recognized the frustration of working with few resources, and I realized that legal work usually creates incremental rather than structural change. When On Campus Interviews rolled around last year, I found myself bidding on firms, albeit reluctantly. I could not avoid the feeling that I was "selling out." Nevertheless, I rationalized, telling myself that my summer experience at a firm would be a skill-building exercise, a resume enhancer; that it would be temporary and, at best, three months in a great city other than Madison.

"Life" also played a part in my change of career plans: My parents were growing older and my father’s Parkinson’s was getting worse. Since my parents do not own a home and have minimal retirement income, my siblings and I drift slowly toward the moment when our parents will become our dependents, when we will support them, as they have supported us. As daunting as this seems, we all are committed to having the resources to take care of them.

I bid on several firms, hoping that I would find my place in a world that I never imagined occupying. I fully expected to find myself adrift, without an anchor, and without the tools to translate my upcoming experience into anything familiar. I did not know that my year-long experience in the Family Law and Restorative Justice Projects would provide the anchor -- the real knowledge and real skills -- that I would apply every day, allowing me to be valuable to the firm at which I work and to enhance my own self-image.

Last summer, during my first three months at the Remington Center, I began to become a lawyer. I did not realize I was becoming a lawyer as I engaged with my clients, wrote memos, drafted orders, pleadings, and stipulations, and represented my clients in court. I did not realize I was...
At the Remington Center, I had the luxury of having clients I did not bill. Why, then, did my supervising attorneys insist that I keep track of my time? Why did it matter that I worked on a project for 18 minutes instead of 12 minutes? Now, I know why: Clients of the firm (and of most large firms) pay hundreds of dollars per hour for legal services. They come to the firm with the difficult questions that their in-house counsel cannot answer. They trust their lawyers to devise creative solutions on which the very existence of their businesses depends. This is not unlike a Remington Center client who faces a $60,000 child support bill upon release, or an inmate who has not seen his daughter for the past four years of his incarceration. In a very real way, Remington Center clients do pay for representation, even though they do not receive a bill.

3. Read the statute!
Perhaps I learned this first in Professor Dickey's Criminal Law class, but Leslie and Pete continued the drill. It also has been drilled into me at the firm. Most of my work involves interpreting complex regulations. My "gut" feeling about the "rightness" or "wrongness" of a situation does not matter unless I find support for it in the statutes or case law.

4. Rarely is there a "right" answer
The complications of people's lives and business transactions do not lend themselves to easy solutions. Rarely is there a "right" answer. Partners and associates at the firm do not give assignments when they already have a solution. This would not make good business sense for them. Similarly, my clinical law professors did not necessarily know the answers to each clients' specific problems. While they knew "the practice," in great part they left the "answer," the creative solution, up to me.

5. Clients are Clients -- They All Need Zealous Representation
When we represent someone who has committed reprehensible acts, or when we sit across from a weeping victim or a weeping offender, it is difficult to maintain the "good guys/bad guys" view of the world. This dichotomy quickly fell away for me as I practiced in the clinic. I did not dispose of my moral compass in favor of "objectivity." I had strong feelings about my clients and about what they had done, but I learned that agreeing to represent someone means doing so in spite of their moral compass, or lack thereof. I still believe in social justice, and my firm's active pro bono practice allows me to represent people who would not otherwise be able to afford the firm's services. The firm's business clients also need representation and, to my surprise, some are even fighting for things I believe in.

6. Support Staff are invaluable
Like the staff at the Remington Center, the staff at big law firms know the nuts and bolts of the operation. With few exceptions, they have been there longer than I have been. Although they function "behind the scenes," without them there would be no scene. They know things I need to know, including the partners' personalities, likes and dislikes. They know how to get things done, and if I show them respect and sometimes even reverence, I will be able to get more done, as well.

7. Organization Counts
Juggling twelve inmate clients' cases is no small task. It is an enormous, and sometimes overwhelming, responsibility. But after that experience at the Remington Center, I knew that being organized would save the day. I also figured out that it does not get any easier--whether in law school, life or at a law firm.

8. Skill Sets Matter More than Substance
I am convinced that in the early days of legal practice, one's skill set matters more than one's mastery of a particular area of law. I knew nothing about communications, media, employment or education law prior to this summer. I still know very little about the substance of each area. But I know that there is time to learn the substance. In fact, I have had to learn it quickly, sometimes in a matter of hours. There is no time to learn the rudimentary skills of statutory interpretation, research, writing, synthesis, and critical thinking. This summer, it was assumed that I had those skills, not necessarily that I knew the
Gary P. Hayes Police-Prosecution Internships to Begin

By Ben Kempinen
Clinical Professor

Starting in 2007, the Remington Center will offer summer internships to provide UW law students with an experience that applies the principles and methods taught in Law School classrooms to the real-world public safety problems facing prosecutors and police statewide.

We anticipate that up to six student interns per summer will work jointly with a Wisconsin district attorney’s office and a police agency or sheriff’s department within that prosecutorial jurisdiction. Placements will be based on a match between a willing and knowledgeable police executive, district attorney, and student.

The conceptual framework for the internships is the problem-oriented approach to public safety, a concept originally developed at the Law School by Professor Emeritus Herman Goldstein and the late Frank Remington. This approach has profoundly influenced the field of policing and is increasingly influencing the field of public prosecution.

The internships are named for Gary Prescott Hayes, a graduate of the UW Law School who went on to become the founding director of the Police Executive Research Forum in Washington, D.C., and who helped introduce and advance the problem-oriented approach to policing before his untimely death in 1986. A memorial fund established in Gary Hayes’s name is a major contributing source of funding for these internships.

The police-prosecution internships will capitalize on several recent developments in Wisconsin and at the Law School. First, they build upon the reestablishment of academic courses in policing offered at the Law School, including “The Role of the Police in a Free Society” and “Selected Problems in Policing.” These courses, developed and taught for many years by Professor Goldstein, are now being taught by Clinical Assistant Professor Michael Scott, who joined the Remington Center in 2003.

Second, the internships build upon a new summer program co-developed by the Law School and the Wisconsin Department of Justice’s Law Enforcement Training & Standards Board, and co-taught by Professors Scott and Goldstein. This summer program, entitled the Wisconsin Problem-Oriented Leadership Institute for Chief Executives (POLICE), is a two-week in-residence program for Wisconsin police chiefs and sheriffs. Now in its third summer, the Wisconsin POLICE program will have graduated by the summer of 2006 approximately 75 police chiefs and sheriffs from throughout the state. The graduates come away from the program familiarized with the problem-oriented approach to public safety.

Third, the internships build upon an emerging interest among prosecutors in what is known as community prosecution. Led by the Milwaukee County District Attorney’s Office, prosecutors are being asked to adopt a community-based and problem-oriented perspective to their work, a perspective that necessarily puts them in a more collaborative working relationship with both police
Investigation Report (PSI). This incorrect representation of Mr. Smith's offense was the only information available to the group leaders of his treatment program as they sought his cooperation in disclosing his criminal acts in group therapy. What he "failed" to disclose was not only unsupported by a conviction, but was not even alleged in the underlying police reports. The Parole Commission, using this same information, has deferred Mr. Smith to his maximum discharge date because of his "failure" in treatment.

Now facing the prospect of spending the full length of his sentence behind bars, despite being a first-time offender, Mr. Smith could not obtain help from his trial lawyer. While Mr. Smith should never have been required to admit to the dismissed charge in treatment, without a zealous advocate he faced an uphill battle in trying to correct his record and present accurate information to the Parole Commission. It wasn't until this summer, less than one year before his maximum discharge date, that Mr. Smith was able to obtain legal assistance from LAIP in correcting the information upon which the parole decision was made. We are now in the process of seeking another hearing, so that the decision about parole can be made on the basis of accurate information.

LAIP student lawyers engineer other legal remedies that would be difficult or impossible for clients to secure on their own. For example, if incarceration represents the end of the correctional process, why were so many of my clients repeat offenders? If prison is seen as the last leg of the journey, what happens when an inmate is released into the community? Does what happens in prison matter at all?

I'm sure the young ADA didn't mean to sound so conclusive in using that particular phraseology, but his statement reflects a regrettably common view, even of those who operate within the criminal justice system - that the case is closed when the court proceedings conclude. Lawyers appointed to represent indigent defendants move on to other clients after sentencing, either because they will not be paid for post-sentencing work or because they are legislatively prohibited from providing postconviction services apart from a direct appeal. Appellate lawyers necessarily deal with events that end at sentencing and may end up filing a report that unnecessarily justifies "no merit" reports. Finally, the judges who impose sentences rarely see the recipients after they are taken away to prison. What happens to inmates between sentencing and release receives little attention and even less concern.

If the story really ends when a defendant is sentenced, or even after the appeals process, then what does it matter whether or not a person has access to legal assistance once he or she enters the correctional system? What LAIP students learn is that a lack of access to legal assistance can have serious consequences for some inmates.

Sometimes significant correctional decisions rest on mistakes made before a client enters the prison. One of my first clients, "Mr. Smith," was terminated from Sex Offender Treatment because he would not admit to a certain sexual offense that was alleged in one of the original charges against him. The charge had been dismissed, but was mistakenly reported as a read-in in his Presentence Report.
client as an immature youth in need of counseling, guidance, and supervision in the community. Instead the judge chose to level a harsh sentence, knowing that he would not be tried in the court of public opinion for being tough on crime. What did not get addressed is whether public safety is really advanced by compelling this youthful offender to grow up in prison, with a sprinkling of "programming" along the way. Is he more likely to avoid trouble and contribute to his community after ten years or so in prison?

Similarly, judges faced with statute-based and factually legitimate sentence adjustment petitions rarely revise the original sentences even in the face of significant inmate progress, as the public eye scrutinizes "tougher" judges much less than those who let an inmate "go free."

The attitudes that prevail in the system can be discouraging for inmates and for the few who try to tackle their problems, but LAIP offers an opportunity for student lawyers to solve real problems and to have a positive impact on clients, their families, and the community. A well-written motion or a persistent series of letters can change the course of a client’s incarceration in meaningful ways. A student lawyer can help inform the perspectives of individuals who play important roles in the justice system. I recently had such an opportunity when I spoke with a district attorney to ask him to dismiss a charge against one of my clients, a young man who is trying to do positive things in prison. The DA agreed to dismiss the charge, and my client is now able to continue his rehabilitation without having a warrant hanging over his head.

Inmates face a difficult road back to non-prison life with so much working against them at every juncture in the system. The task of the student lawyer at LAIP is to help clients rewrite the stories of their future when so many others have already written an end to their tales.

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The Wisconsin Criminal Justice Study Commission--co-sponsored by the UW Law School, the State Bar of Wisconsin, the Wisconsin Attorney General, and Marquette University School of Law--continues its efforts to improve the accuracy of Wisconsin’s criminal justice system. The Commission, which will meet for the fifth time on August 29, 2006, has been studying the issue of false confessions and police interviewing by hearing from nationally-recognized experts. These include Commander Neil Nelson (a St. Paul, Minnesota detective who pioneered a new method of interrogation tailored to electronically-recorded interrogations); Professor Saul Kassin (an expert on false confessions); Joseph Buckley (the President of Reid & Associates and an expert on the “Reid Technique”, the pre-eminent American interrogation technique); and several experienced Wisconsin investigators. At the August 29th meeting, the Commission will conclude its study of false confessions by agreeing on appropriate recommendations and deciding how
A Student’s Thank-You

Editor’s Note: The following is a letter received by one of the Remington Center’s clinical faculty member from a former LAIP student. We believe it epitomizes the educational experience that we hope to achieve in all of our clinical projects.

Thinking about my upcoming graduation, I realize that I owe much of my positive experience to you and to LAIP.

Thank you so much for your guidance and support in the last three years. You helped me realize that being a dedicated and skilled advocate is a much better measure of what type of lawyer I’ll be than any grade I could receive in a class.

I hope one day, as a professional, I’ll be able to assist LAIP in some way. I believe it’s very important work. . . . Thank you for being a friend as well as a mentor.

Contributions Support Remington Center’s Summer Students

The Friends of the Remington Center Endowment (FORCE) is a private non-profit corporation which raises funds to supplement summer stipends for the Remington Center’s clinical students. Over the past few years, FORCE has raised well 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 law firms or other summer employment.

In the summer of 2006, FORCE provided supplemental funding to students enrolled in the Prosecution Project and Public Defender Project. These students, who interned in district attorneys’ and public defender offices throughout Wisconsin during the summer, often had to commute long distances to their place-