

EJ I I N K

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The Difference a Lawyer (Or Law Student) Can Make

There is a lot that can be said about value a clinical experience can add to a legal education. Since May of 2013 I have had the privilege of being a part of the Economic Justice Institute's Family Court Clinic. I consider myself very fortunate to have had the opportunity to participate in the Family Court Clinic. My time with the clinic has helped me grow both personally and professionally far beyond what I thought possible. I have learned many lessons that will stick with me long after my time with the clinic is over. One of the most fundamental lessons I will take away from my time as a student in the Family Court Clinic is the difference a lawyer can make in a case.

At first blush the idea that a lawyer can make a difference in a case may seem rudimentary. Of course having a lawyer involved in a legal matter is better than not having one, and having Clarence Darrow is better than just any J.D. with a pulse. However, I am talking about something more basic. It is hard to describe unless you see it on a daily basis as I have been fortunate enough to do.

Often a potential client is only sitting across from me as a last resort. Up until this meeting he or she has either unsuccessfully tried to resolve an issue on their own or else no one would listen. It is when faced with these situations that I really see the difference a lawyer can make, because, so often, just a few hours of my time can literally erase years of hardship for the person sitting across from me.

For example, a few weeks ago I met an elderly man named Greg (not his real name). Greg was divorced over 15



years ago. As part of the divorce, Greg agreed to make maintenance payments to his wife until a date that they agreed upon. However, the divorce judgment contained the wrong ending date that was three months later than Greg and his wife had agreed upon.

The error the court made went unnoticed by both Greg and his ex-wife for years until shortly before Greg thought he was finished making payments. That was when he noticed that the date he and his ex-wife agreed to was not the date the court had ordered as the termination date. Together Greg and his ex-wife tried multiple times to change the date in the order to the date they had initially agreed upon, but each time their petition was thrown out because of technical errors. Greg stopped making payments on the date he and his ex-wife originally agreed. Thus, when the order finally expired, he had accumulated a substantial amount of arrears.

Six months later Greg found his way to the Family Court Clinic. Sitting across from me Greg lamented that the court would not listen to him or his ex-wife and expressed his anger with a court system that would not fix its own mistake. I could sympathize with Greg's situation. A simple human error made over 15 years ago had Greg in a very tight financial spot. He

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EJI Director's Welcome- What Makes Lawyers Happy? - Clinical Experiences!

I recently read the results of research published by Larry Krieger, a law professor at Florida State, who has focused his research over the years on lawyer well-being. His work relies heavily on "Self-Determination Theory" (SDT), a comprehensive theory of human motivation. According to Professor Krieger, SDT considers the well-being impacts of different values, goals, and motivations at the basis of behavior. He recently published a study that identified "who is more, and less, happy in the [legal] profession and specifically why that appears to be true." (See Krieger, L.S., and Sheldon, K.M., *Transcending The Anecdotes With Data From 6200 Lawyers*, at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2398989&download=yes).

One of the authors' several hypotheses was "that the frequency of experiences of autonomy (which includes authenticity), competence, and relatedness to other people would very strongly predict lawyer well-being." Another was that "attorneys

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Immigrant Justice Clinic Expands to Serve Clients with Humanitarian Relief Claims

In the fall of 2013, with the financial assistance of the Morgridge Match Grant Program, the Immigrant Justice Clinic expanded to serve more individuals through the Humanitarian Law Track (HLT). HLT's mission is to provide legal services to noncitizens who are seeking various forms of humanitarian relief. This first year, five law students joined HLT and work under the supervision of attorneys Erin Murphy Barbato and Stacy Taeuber, and in collaboration with the Community Immigration Law Center (CILC). The HLT students also provide continued services to clients of the former Domestic Violence Immigration Clinic, which ended in May of 2013.

The HLT represents some of the most vulnerable immigrants through the complicated legal process of obtaining lawful status in the United States. For instance, HLT has represented victims of domestic violence, sexual assault, and extreme cruelty in filing "self-petitions" so that these victims do not need to rely on their abusive U.S. citizen or legal permanent resident family members to obtain status. These self-petitioners are eligible for lawful status under the Violence Against Women Act (VAWA), which was renewed by Congress in 2013 to improve access to justice and services for victims.

HLT students also prepare asylum applications for individuals who come to the United States seeking protection because they suffer persecution or fear that they will suffer persecution if deported, because of their race, religion, nationality, membership in a particular social group, or political opinion. HLT clients include a young woman from Honduras who fled physical and sexual abuse by her father, a man with significant ties to organized crime. Clinical students work to craft

legal arguments to fit these victims of gender-based violence into one of the legally recognized "social groups" that currently is granted protection under the restrictive asylum statute.

Other common HLT cases involve immigrant victims of crimes who have suffered substantial mental or physical abuse and are willing to assist law enforcement and government officials in the investigation or prosecution of the criminal activity. The majority of HLT clients with such claims are working mothers who were brutalized by their former partners. Despite their substantial fears of retribution and the risk of deportation, these brave women reached out to the police to report domestic violence, and cooperated in the prosecution of their abusers. HLT provides them with legal immigration services so that these victims can obtain legal status and not have to live with the added fear of deportation.

Due to rising need, the HLT is increasingly concentrating on the needs of undocumented immigrant children. One of the more troubling immigration trends has been the dramatic increase in the number of children traveling unaccompanied to the United States, even as the overall number of apprehensions of immigrants unlawfully entering the country is at a 40-year low. Before 2011, an average of 6,000 – 8,000 unaccompanied migrant children travelled to the U.S. per year. One year later, that number had doubled to 14,000, and by 2013 nearly 25,000 unaccompanied migrant children found their way to the United States. Projections for the fiscal year of 2014 indicate that a staggering 74,000 unaccompanied migrant children will arrive in the U.S. this year.

Many of these children flee their home communities due to violence associated with drug trafficking, severe intrafamilial abuse, abandonment, exploitation, deep deprivation, forced marriage, or female genital cutting. Some of these children are trafficked

into the United States for sexual or labor exploitation. In theory, once captured and detained by immigration authorities, these minors are to be transferred into the custody of Health and Human Services' Office of Refugee Resettlement within 72 hours. However, in practice, these children often remain locked up in crowded cells with no windows, showers, or recreation space for up to two weeks, in some cases where the lights are never turned off.

Moreover, unaccompanied migrant children in the United States are placed in deportation proceedings with no right to government-appointed counsel or guardians ad litem in the vast majority of cases. Consequently, most of these children, often with limited education and English skills, confront immigration judges and government attorneys alone in court. Considering the fact that only 8% of adult immigrants without counsel prevail in immigration court, it is difficult to overstate the challenges that unaccompanied minors face in immigration court without counsel. As a result, many unaccompanied minors are deported and returned to the dangerous situations they were so desperate to escape.

The Humanitarian Law Track has witnessed this rapid increase in unaccompanied minors, and has been increasingly involved in representing them. Some of these children are eligible under a federal law to apply for "Special Immigrant Juvenile Status" or SIJS. Applying for this status requires filings both in state family court, and before the immigration service. HLT is currently collaborating with the Family Court Clinic in several of these cases. One involves two young girls from Honduras who fled a situation of extreme abuse. Another unaccompanied minor case involves a young man from Guatemala whose first language is Quiche, his second

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Facilitating Dialogue between Citizens and Police about Bill for Increased Oversight

In support of the Wisconsin Idea and improving people's lives beyond the classroom, Donna Erez-Navot, Director of the Mediation Clinic and Jonathan Scharrer, Director of the Restorative Justice Project, facilitated a vital conversation between the stakeholders about Wisconsin Assembly Bill 409. AB 409, otherwise known as the Citizens and Law Enforcement Safety Act, sets statewide standards requiring outside agencies to participate in the investigations of officer-involved deaths. The meeting was a step towards a collaborative dialogue between the police, legal scholars, community members and concerned citizens from around the state. To help support the dialogue, media and politicians were not invited to attend the session. The idea behind the meeting was to have those directly involved come together to share perspectives and to find a unified message on this important and delicate issue to share with politicians when the bill was heard on the Assembly floor. A strong majority of participants agreed that the current form of the bill, which preserves the external investigative requirement, is a positive and workable step forward. The proposed requirements of a state-level review board and proof of sobriety, included in the bill's original draft, were not included in the amended version of the bill approved by both the Assembly and the Senate in early April 2014 and that still remains unresolved. If the proposed requirement had been adopted, Wisconsin would become the first state in the country to require a comprehensive review by a panel of experts whenever someone dies during an encounter with police.

The parties left the conversation with the willingness to continue meeting together and include viewpoints from interested individuals and officials from around the state. Erez-Navot and Scharrer have agreed to continue to facilitate future sessions and look forward to working with the committed and passionate group.

-Donna Erez-Navot, Director,
Mediation Clinic and Jonathan Scharrer



Donna Erez-Navot and Jonathan Scharrer

What Makes Lawyers Happy - (Continued from Page 1)

who received autonomy-supportive, as opposed to controlling, supervision would thrive to a substantially greater extent than others.” Both of these hypotheses proved to be true based upon the results of the surveys that were administered.

Previous research has demonstrated the central importance of experiences of autonomy/authenticity, relatedness, and competence for the well-being and performance of law students. Data from the attorneys who completed the survey, however, confirmed the critical importance of all three experiences for their individual well-being. In fact, the authors found that these experiences were far more predictive of well-being in the attorneys that they surveyed than any of the external factors that were measured such as class rank and ratio of income to school debt.

In analyzing their results, the authors observed “a pattern in which (1) the internal factors seen to erode in students during their initial law training were the precise factors most strongly predictive of lawyer well-being, and (2) the external factors emphasized in law school and by many legal employers were, at best, only modestly associated with lawyer well-being.”

I find these conclusions especially interesting because the qualities that were measured are the same that are on the top of the list for clinical education. We strive to engage our

students in educational experiences that enhance their autonomy, their competence, their ability to work well with others both within and without the judicial system, and we do all of this in a supportive and nurturing environment. In other words, the “internal factors” that are predictive of future lawyer well-being are the foundation of clinical education. These results confirm what all of you already know – how important a clinical experience is to the future “success” of practicing lawyers, both career-wise and in their future well-being.

Therefore, as you read the stories of the many accomplishments of our clinical faculty and students, please think about the financial support that you can offer us to continue these life-changing experiences for our students. Whether is a contribution to fund a scholarship for a consumer student to attend a national conference, or to help us cover the cost of obtaining a certified order from another state for an immigration or family law client, your contribution allows us to continue our high-quality educational endeavors that are truly making a difference to our graduates as well as helping the most vulnerable in our community. Please visit us on-line at <http://law.wisc.edu/eji/giving.html> to make a contribution. Thank you.

Headline: Hindsight Bias and Blushing In Re Year-Long Clinics

At first blush, committing to a year long (Summer, Fall, Spring) clinical program is intimidating (some that considered it, and opted not to pursue it, may even say deterring). As a 1L student, caught up in trying to prepare for classes, outline, and remember to breath, it is a lot to ask; take the time and thought necessary to look into the future, toward not only summer employment but the 2L year, and determine whether the commitment required by the EJI programs is manageable. It turns out that for the students that can stomach a little blushing and decide to commit to the EJI clinics, the return on investment is great. I can say with confidence that my fellow clinical law students and I have learned and experienced more than we could have imagined possible in 3 semesters in The Neighborhood Law Clinic (NLC). We have assumed roles and responsibilities beyond those customary in the intern work environment, including a summer associate position in a typical firm setting. In the NLC, our practice areas are largely made up of social security/disability, landlord tenant and worker rights cases. Of the seven students that constitute the NLC this year (not including our fearless leader and supervising attorney, Mitch), all of us have had the chance to gain a comfort with the law and procedure in these types of cases. Often, the trial venue is small claims and the case starts and ends quickly, within 15 weeks (approximately 1 semester), giving us the opportunity to have repetition and gain expertise. Having just read that, the critical thinkers (which should be everyone) might be asking, "what is the point to requiring 3 semesters worth of work from students if most cases start and end within 1 semester's time?" Good question critical thinker! Not only do we work on the smaller, more quickly resolved cases, but we also each have the chance to work on at least one large, complex case during our tenure. This is only possible because we are committed to the clinic for the duration of the year and can devote time, thought and energy to these larger cases.

Furthermore, it is critical that we build confidence and expertise in the smaller, more repetitious cases, to gain the skill to perform when confronted with the larger, more complex. Whether taking a leadership position (always supervised, mind you) in discovery, including interrogatories, depositions and request for admissions, writing motions and arguing them before a court, or perhaps writing appellate briefs on behalf of real clients with real cases, the NLC has given us the remarkable chance to truly learn through experience. Experience that is relevant, exciting and "trial by fire." There's that blushing again. But how many law students can say they took and defended depositions and argued before a court in their second year of law school? I'm proud to say that we can. As my 3 semesters draw to an end and I look back over my experience in the NLC, the commitment that we clinical students made pales in comparison to what we received. As long as 1L law students have the gusto not to be discouraged at first blush and are willing to handle a few face-reddening experiences throughout the semester as they tackle real cases, real lawyers and real courts, they will be rewarded immensely.

-Ross Eberlein, (2L)
Pictured below



Immigrant Justice (Continued from page 2)

language is Spanish, and he is now learning English. He traveled to the U.S. from Guatemala alone, at the age of 13.

The HLT also provides outreach services in the Madison Metropolitan School District regarding the new program created by President Obama in 2012, referred to as Deferred Action for Childhood Arrivals (DACA). DACA provides temporary administrative relief from deportation to certain children who arrived in the U.S. before their sixteenth birthday and who are in school or who have graduated from high school or obtained a GED, or are still in school or are veterans of the Armed Forces. HLT represents several local undocumented students in their applications under DACA. Until the Dream Act is passed, DACA provides limited relief from deportation to some undocumented youth, many of whom have lived most of their lives in the U.S.

One such "Dreamer" receiving legal assistance from HLT is a high school student, "Maria," who arrived in the United States before she turned ten years old. Maria is a fully assimilated American student whose family fled extreme violence in their home country of Mexico. Maria currently participates in a work-and-learn program to earn a certified nursing degree, and hopes to continue to study to become a registered nurse, which requires valid work authorization. The Humanitarian Legal Track is honored to provide pro bono humanitarian relief services to remarkable young immigrants such as Maria so that they can continue to pursue their education and provide valuable services to our community.

-Laura Graham, (2L)



View of the Dane County Courthouse facade.



Left to Right: Stacy Taeuber, Mitch, Sarah Orr, Marsha Mansfield and Donna Erez Navot.

EJI Faculty Updates

Sarah Orr
(Director of the Consumer Law Clinic)

- Testified at the state capitol about the harmful effects on consumers of proposed debt collection lawsuits.
- Trained volunteer lawyers for the Dane County Small Claims Assistance Program on consumer protection issues and the Consumer Law Clinic's new partnership with the Small Claims Assistance Program.
- Will be a co-presenter with Marsha Mansfield at the Midwest Clinical Conference in September 2014, on the educational value of limited-scope clinics.

Donna Erez-Navot
(Director of the Mediation Clinic)

- Presented at the ABA Dispute Resolution Conference on April 4, 2014. The presentation was entitled "ADR: The Next Generation" and she co-presented with Alyson Carrel from Northwestern Law School and Tracey Frisch from the American Arbitration Association.
- Published an article with Perri Mayes entitled, "Designing a Child Protection Mediation Program in a New Era" in the Association for Conflict Resolution Winter Newsletter.

Marsha Mansfield
(Director of EJI and the Family Court Clinic)

- Was appointed to the Wisconsin Department of Justice Statewide Violence Against Women Act Advisory Committee. This Committee is charged with Wisconsin's VAWA planning and implementation effort under the supervision of Jill Karofsky, Executive Director WI DOJ Office of Crime Victim Services.
- Is presenting at the Equal Justice Conference at the end of April, on ethics issues involved in our Pro Bono Project. Ann Zimmerman, Pro Bono Project Coordinator, is presenting with Marsha at a Pre-Conference session for Law School Pro Bono Advisors.

Mitch (Director of the Neighborhood Law Clinic)

- Spoke at an event organized by the Wisconsin Alliance for Tenant's Rights regarding the effects of the 2013 WI ACT 76 on February 28, 2014.
- Was interviewed on Wisconsin Public Radio in March regarding

recent wage theft protests and lawsuits targeting the fast food industry. <http://www.wpr.org/wage-theft-protests-target-mcdonalds-fast-food-industry>

Difference a Lawyer Can Make (Continued from page 1)

didn't have the resources to pay for a lawyer, and his numerous attempts to do what he could on his own were denied without so much as a hearing. After getting clearance from my supervising attorney I told Greg that I would help him. I met with him again and together we were able to move away from the feelings Greg had about being slighted by the court system and instead, focused on a solution to his problem. I drafted an order to expunge his arrears. The total time I spent on Greg's case, including two meetings with Greg, research, and drafting an order added up to three hours. Three hours of my time saved Greg thousands of dollars in arrears and countless hours of stress over his situation.

Greg's example and the countless others I have from my time at the Family Court Clinic exemplify what the clinical law experience is all about, and highlights the true difference a lawyer has a chance to make every day.

-Zach Leigh, (2L)
Pictured below





Capt. Joe Ahlers, former Family Court Clinic Student

A Distinguished Alum Receives a Distinguished Service Award

Each year the Standing Committee on Legal Assistance for Military Personnel selects recipients of the LAMP Distinguished Service Awards. Those chosen for the Award are individuals judged to have set the bar for military legal assistance, by pushing themselves and their practices in extraordinary ways. Captain Joe Ahlers (U.W. 2011) Chief of Legal Assistance, 97th Air Mobility Wing, Office of the Staff Judge Advocate, Altus Air Force Base, OK is one of this year's award recipients. Joe was a star in the Family Court Assistance Project (now known as the Family Court Clinic) and he obviously is continuing his successful trajectory in the military. The following is reprinted from the awards presentation.

Many Americans seem to assume the Judge Advocates only practice in the areas of military justice and operational law—an impression long reinforced in film, television and the media. But the average servicemember knows and appreciates that most military legal services performed by JAG officers and their civilian-lawyer counterparts fall under the legal assistance banner. These civil-law legal services address the same everyday consumer law, family law, landlord-tenant and other legal problems that entangle civilians, with the added complication that deployed servicemembers are entitled to extra

legal protection when deployed thousands of miles from their home jurisdictions, and the understanding that unresolved legal issues imperil military morale and readiness.

To the average servicemember, then, the most important military lawyer is the one who works to get him or her out of a jam with a creditor, a landlord, a former spouse or a civilian court, or who makes sure his or her estate is in order before deployment.

As Chief of Legal Assistance, Capt Joe Ahlers has literally set the standard for a Chief of Legal Assistance. Capt Ahlers referred cases to three separate groups: Texas Lawyers for Texas Veterans, Oklahoma Lawyers for America's Heroes, and the ABA Military Pro Bono Project. He also laid the foundation for the U.S. Citizenship and Immigration Service (USIS) to make its first trip to Altus AFB to assist military members in filing immigration paperwork. In light of the changed military Family Care Plan requirements, he produced two standard forms to track and ensure compliance at the base level and spent 52 off-duty hours authoring a 3,500-word article for The Reporter to brief the Corps on how the change will impact non-custodial parent custody battles.

Capt Ahlers reached out to the Oklahoma Bar Association to volunteer as a CLE instructor on military law/ legal assistance and ended up being invited to the Bar's conference as a guest of the Executive

Director, where he networked with attorneys across Oklahoma, encouraged participation in the ABA Pro Bono and Operation Stand-By projects, and promoted service in local legal aid/ pro bono opportunities geared towards military service members. He also coordinated an immersion visit from the local county bar association, which resulted in Capt Ahlers being invited as a personal guest to deliver the same briefing to a gathering of civic leaders. His individual accomplishments range from assisting clients with estate inheritance issues, to voter rights of a convicted Airman, and culminated in shielding 20+ military families from being sued in a clash between local businesses. Capt Ahlers is the example our military services should look to for both managing a legal assistance program and providing superior service directly to the warfighter. His work ethic and professionalism are unquestionable, and his superior performance made him the clear choice to provide enhanced legal assistance as our base Special Victims' Counsel. All of this makes him a deserving individual for the Distinguished Service Award.

Joe, the proud father of a new daughter, will be moving next summer to Washington, DC, where he will work with the Department of Defense's new sexual assault victim support initiatives. Joe was kind enough to acknowledge the benefit of his clinical experiences: "Through FCAP and the domestic violence clinic I had the chance to do a lot of client-centered work which has really helped me excel in this job. I'm thankful I had FCAP to provide me the real world skills I needed!"

Congratulations Joe!!!!



Consumer Law Clinic: (Left to Right: Tyler Claringbole, Sarah Orr, Justine Suleski, Steven Curry, Danielle Baudhum and Alexander Lewein

Consumer Law Clinic Students Wrap Up a Successful Year

Danielle Baudhuin, Tyler Claringbole, Steve Curry, Alex Lewein and Justine Suleski are winding up a banner year in the Consumer Law Clinic, their can-do spirit evident throughout.

They shared meals with their clients. Everyone enjoyed getting better acquainted over lunch at a family-owned restaurant in Baraboo and home-cooked lasagna at our client's apartment.

They fought zealously for their clients at every stage of the litigation process, learning their cases inside and out and drafting a plethora of documents such as pleadings, motions, affidavits, orders, discovery requests and responses, and legal memoranda. They counseled their clients and devised effective case strategies. They dealt with opposing counsels' foot-dragging, court clerks' misunderstandings of civil procedure, and an angry opposing party's profane tirade. They had four minutes of glory on the record in federal court, where Judge Barbara Crabb entered a judgment in our client's favor against a major scam operation for almost \$400,000.00. They uncovered new ev-

idence and strengthened the claims for a case in forced arbitration. In a case the students began in July 2013, they resolved the client's claims for over \$29,000.00 in debt relief and monetary damages. They learned that even the smallest of victories can be sublime when they finally achieved service of process on a very elusive defendant, after several months of trying.

The students eased the CLC into cloud-based practice management which helps us not only to bill our time more accurately but also to better maintain client files during annual transitions between students. They expanded services both by increasing the Foreclosure Assistance Clinic to weekly sessions at the Dane County Courthouse and by working with the Small Claims Assistance Program to assist pro se litigants with consumer protection issues. This is the first time that the Consumer Law Clinic has maintained a continual presence in the community. This format already has benefited many individuals who initially contact the students by phone then receive in-person help during the drop-in clinic hours at the courthouse. The students also began to improve debt collection practices by battling bad legislation and helping to draft good state legislation and by commenting on the federal

Consumer Financial Protection Bureau's proposed rules that would affect debt collection nationwide. Finally, the students increased their vocabularies by working with me for a year and learning some of my pithy expressions and brilliant turns-of-phrase. I commend these students for their hard work and dedication to the clinic and Wisconsin consumers, and I hate to see them leave.

- Sarah Orr

Director, Consumer Law Clinic

Breaking News About the IJC!

The Immigrant Justice Clinic was recently selected as a winner of a UW-Madison Community-University Partnership Award. The Awards highlight exemplary partnerships that further the Wisconsin Idea—community members and UW-Madison personnel working collaboratively to transform our campus and communities for the public good. The award recognizes IJC's successful collaboration with the Immigration Law Center in Madison.



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