

EJI INK

ECONOMIC JUSTICE INSTITUTE

SPRING 2015

Director's Welcome - Do Clinics Matter?



As I perused the latest issue of the Association of American Law Schools (AALS) newsletter, I read with interest Daniel B. Rodriguez's remarks in his AALS Presidential Report at the 2015 annual meeting. In reflecting on his year as AALS President, he expanded upon his theme that legal education was at a crossroads:

"The predicament ... is whether and to what extent law schools are serving the fundamental aim of providing high quality education to law students who have the requisite skills to be in our nation's law schools and who, with the benefit of this high quality education, will be able to serve clients and do justice as new lawyers."

In a recent survey of EJI/CPR alumni, we asked that very question and we were told resoundingly that our students not only gained relevant skills through their clinical experience, but also how relevant these skills are/were to their subsequent legal careers. In ranking the extent to which the EJI clinics helped students develop the following skills, our alumni responded as follows:

Question	A Lot	Somewhat	Not at All
Research & analysis	54	34	1
Drafting documents & writing	59	28	2
Interviewing & Client counseling	82	5	2
Negotiations	40	36	13
Case Management & Organization	54	31	4
Advocacy (in & out of court)	53	33	3
Building relationships w/clients & others	72	15	2
Teamwork	64	22	3

The skills most important to prospective employers mirrored these results, with drafting documents and writing ranked as the most important.

A major strength of clinical programs is the ability to instill in our students the fundamental tenets of professionalism. 85% of those surveyed believed that their clinic work helped them be prepared to identify and respond to ethical problems in their work. As Miriam Eniolorunda, a Family Court Clinic student, explains in her newsletter article, she has grown so much in her ability to understand the "craft" of lawyering through not only learning the law but most importantly, through applying it as she works with a diverse group of clients, lawyers, judges and others, particularly those most in need of legal assistance. Isn't this the essence of professionalism?

It is no surprise that the EJI clinics receive such favorable reviews from our alums. In the recent National Jurist rankings Wisconsin's clinical programs once again rank among the best in the country as we are ranked number 6h with an A+ rating - reflecting the diverse and rich quality of the U.W.'s clinical offerings. (www.nxtbook.com/nxtbooks/cypress/nationaljurist0315/#/28).

I firmly believe that our EJI clinics provide a very high quality education to our students and that education provides them with the basis to effectively serve clients and do justice as new lawyers. If you share this belief, I ask that you put your money where your belief is. You can make a direct donation to EJI through your gift to the Law School. Every donation helps – whether it is \$25, \$100, \$1000, or more. Please support our clinical programs financially as well as with your complements. Go here to donate:

<https://www.myuwconnect.org/give?id=3B4AE645-3FC9-43C2-AF2F-1F5A3111159E>

Thank you and enjoy this issue of EJI Ink.



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“Whatever You’re Not Excited About Is Not Likely To Yield Any Favorable Results”

I applied to a number of clinics during my first semester of law school just like most of my classmates with the intention of using the clinic as a backup while I pursued other “presumed” résumé worthy opportunities. I got accepted to the Family Court Clinic and actually I was quite excited.

Coming to law school with a science background, my goal was to find an area of law that would enable me fuse my science degree and the law to build a career. Family law was an area I had briefly considered and decided to explore as a second option. After getting accepted into the Family Court Clinic, I decided to take it seriously and get excited about the clinic. My excitement began to grow when we (the incoming clinical students) had the transition meeting with the outgoing students whose cases we would inherit. It became clear that I was going to be practicing “law” in an area I had absolutely no knowledge of. I thought about how it would be, having to learn the law and apply it to real life situations, I barely made it through issue spotting on my exams using fake stories. Now I had to do it in real-life cases! I was excited yet scared. I was afraid that I wasn’t going to learn the law as swiftly as needed and afraid that I was not ready to issue spot in real life. Yet I was excited, about learning new things and the opportunity to do actual legal work, I was excited about working in a “law firm” with co-workers and partners. I was excited about everything.

Summer began and work started. Aside from having clients, one of the requirements of the Family Court Clinic is providing non-advisory assistance to self-represented litigants at the Dane County Courthouse every week. Here, we assist self-represented litigants navigate their family court case by providing legal information and assistance in filling

out any required forms. Outside of the courthouse, the majority of my work in the clinic involved a lot of writing: drafting letters to my clients, the judge or opposing counsel; drafting motions, petitions, and stipulations as well as a myriad of other documents that real attorneys draft. It was new and challenging, but exciting. Exciting because I was learning and doing real legal work like real attorneys do. During the weekly class sessions, we learned the law and had various opportunities to apply what we learned either at the courthouse during intake meetings or in our clients’ cases. If I wasn’t personally applying the law, a co-worker likely was and we all got to learn from each other during case rounds. During case rounds, each person discussed their case(s), the issues, and what areas, if any help was needed. As a group we helped each other solved complex issues and come up with creative solutions.

My first hearing, which was a final divorce hearing, took place about two weeks after the clinic started. For my client, it was her stipulated divorce hearing, for me it was my first opportunity to sit at counsel table and experience being a courtroom attorney. I did not speak during the 10 minute hearing. But it was only a matter of time before I got a chance to speak in court as, eight months later, that day arrived. This time, I was more excited than scared. Thanks to my supervisor, I had a solid grasp of the law and knew how to apply it to the facts of my client’s case. Armed with a carefully prepared argument and a couple of role playing sessions under my belt, I was ready. Ready to speak – ready to fight – and fight I did. Needless to say, we lost; the motion was denied. Not because I wasn’t prepared, but because the court official did not think we met the required standard to grant the motion. However, I gained valuable

experience - an experience that could have only come from being a clinical law student.

As I look back over the months I’ve spent in the clinic I marvel at how much I’ve grown. Beyond learning the law, I am learning how to be an attorney; to speak like one and write like one. I learned how to work in a law firm, with co-workers and a ‘partner’, only that the partner played the roles of supervisor, teacher, writing critic, mentor, encourager and supporter. I learned how to build and maintain a professional client relationship. I learned to accept my faults and realize that my legal career is a work in progress and the clinic was a major foundational stone as an attorney. In the end, I look back with excitement, that my clinic experience yielded more results that I could have ever anticipated.

-Miriam Eniolorunda, 2L
Family Court Clinic



Miriam Eniolorunda

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The Mediation Clinic: Furthering Our Mission

The Mediation Clinic successfully continues its mission to train students and provide mediation services to the Dane County community. The clinic has also broadened its reach and the range of services it provides.

While Clinic Director Donna Erez-Navot is temporarily on leave, Perri Mayes, a dispute resolution practitioner and educator, has stepped in to fill her shoes. Perri has previously served in this role and the Mediation Clinic is pleased to have her back.

Perri is an experienced mediator, dispute resolution administrator, and lawyer. She also teaches mediation through UW-Madison Continuing Studies and formerly taught at UW-Milwaukee. She has served as President of the Association for Conflict Resolution, an international organization, and of the Wisconsin Association of Mediators.

Since 2012, Perri and Donna have worked together to establish and implement juvenile court mediation programs for child welfare cases in Waukesha and Dane Counties. These programs are built upon the cooperation of individual stakeholders and stakeholder agencies, creating an effective interest-based dispute resolution system to better serve the needs of families and professionals involved.

Perri and Donna also serve as the mediators for the Children in Need of Protection or Services, Child Guardianship, and Termination of Parental Rights cases. Clinic students have opportunities to observe these mediations and debrief with their instructor-mediators as the educational component.

Under Perri's guidance, Mediation Clinic students progressed in their training and practicum to mediating cases independently this spring. Students mediate small claims cases in Dane and Walworth Counties dealing with a range of conflicts, such as landlord-tenant, customer-service provider, and interpersonal disputes.

These court-connected mediation programs also depend on the commitment



EJI Board Meeting at New Village Office Space

and assistance of court commissioners and court staff to refer cases for mediation and encourage parties to attend. Programs have been well supported this year, with court staff and program participants expressing satisfaction with the benefits of mediation.

One of the benefits of having a mediation option is that parties have alternatives from which to choose for resolving their disputes. A conflict situation may be more suited to mediation rather than litigation. Other benefits of mediation include avoiding or minimizing the time, stress, financial costs, and uncertainty which come at every stage of litigation.

Clinic students explain mediation benefits to parties and also have endeavored to increase community awareness of mediation as a litigation alternative through public presentations. Teams of students have recently presented to court officials and lawyers as well as at social service agencies and community resource organizations about the mediation process. This further expands the reach of clinic resources and assistance.

Feedback through the above efforts has made it increasingly clear that there is a need and desire for more access to mediation services not only for court-related cases, but also for individuals facing community and other non-court disputes. Currently, the Mediation Clinic can provide such services for UW-Madison campus community members.

In looking forward, there may be room for the Mediation Clinic to further expand its reach beyond small claims court mediations by continuing to provide

campus mediation services and by serving the larger Madison community through more mediation awareness efforts and perhaps more mediation services. This would also serve to expose clinic students to a greater range of mediation experiences.

- Jackson Hinde, 3L
- Jessica Slinde, 2L
- Perri Mayes, Interim Director, Mediation Clinic

Hawks Quindel Sends Cy Pres Award to EJI

We at EJI gratefully acknowledge a cy pres award donation from the Hawks Quindel Law Firm in the amount of \$2000. Cy pres awards occur when there are left-over funds in class action lawsuits that cannot be distributed to class members for various reasons. Typically the plaintiff and defense counsel agree upon a recipient of those awards and often it is an organization whose work is tied to the subject matter of the lawsuit. Many states have statutes that require distribution to non-profit legal organizations but, as of yet, Wisconsin does not. Cy pres awards are a great way for law firms to support the work of legal service organizations that serve low-income and other underserved populations. EJI thanks the Hawks Quindel attorneys for making us the recipient of these funds.

IJC Travels to Texas to Provide Pro Bono Services to Detained Mothers and Children

On March 26th, four clinical law students from the Immigrant Justice Clinic (IJC) – Jared Prado, Christopher Russell, Gabriela Parra, and Tatiana Shirasaki – traveled to San Antonio, Texas, during their spring break to volunteer with the Refugee and Immigrant Center for Education and Legal Services (RAICES), a nonprofit organization representing Central American mothers and children detained at the Karnes Detention Center. Since the summer of 2014, an unprecedented number of undocumented women and children have arrived at the southern border in hopes of escaping violence in Guatemala, Honduras, and El Salvador and receiving asylum in the United States. Nonprofit organizations in Texas, such as RAICES, found themselves unable to meet the sudden increase in demand for legal and social services. They responded to the crisis by implementing several pro bono projects that rely on the assistance of attorneys and law school clinics across the United States.

During the IJC trip, mothers at Karnes won national and international media attention for participating in hunger strikes which sought to raise awareness of the poor conditions faced in detention – including dirty drinking water, lack of medical care, and children’s mental health issues. Besides handling cases, the four law students assisted in public advocacy projects related to the conditions inside Karnes and other detention centers in Texas. Each clinical student was impacted by trip; they reflect on their experiences below.

Christopher Russell, 2L

Our time with RAICES was a lesson in law, policy, and advocacy. Prior to the trip, I had interacted primarily with non-citizens who had spent significant time in the United States. But at Karnes I met mothers and children who had been almost immediately caught by the border patrol on crossing the border and had been held in detention since. They were in a different, expedited type of proceed-

ing to determine if they will be allowed to pursue their asylum claims in the U.S. Their memories of psychological abuse, neglect, beatings, and rape were very fresh. These stories made me more conscious of the conditions in Honduras, El Salvador, and Guatemala while reminding me that we (the US) are not isolated from them. It was surreal to feel so connected, yet geographically distanced, from the devastating circumstances in neighboring countries. The trip improved my procedural understanding of an asylum case. For example, if the women meet the hurdle of establishing a credible fear, they will be allowed to pursue their asylum claim in immigration court so they may then be able to pay a bond and get out of custody. But they may not have the actual asylum hearing for another four years because of the national backlog in immigration courts.

Gabriela Parra, 3L

This was an amazing experience that really helped me understand the consequences of our broken immigration system. I am puzzled by the fact that the United States supports a policy that involves detaining mothers and children in a “prison” setting. These women have been severely victimized in their home countries; many fled home to escape severe violence and possibly death. Listening to the stories of these women was heartbreaking. Many have been raped, tortured, and kidnapped. I can’t find the words to adequately describe just how rewarding it was to advocate for these women and children. The most difficult part is knowing that if RAICES cannot continue to find other volunteers to help with the caseloads, many of the women and children will continue to be trapped in detention and may even be sent back home to a place where their lives are in danger.

Jared Prado, 3L

The living conditions at Karnes Detention Center are inhumane. During my first visit, I met a child who had lost the light in her eyes. She was withdrawn, somber, and did not have the joy or wonderment that children are supposed to have. Most children were like this when I met them, and depending on the child’s age, I would find a way to connect with him or her. It broke my heart to see that this girl could not/would not ever understand why she was in detention and her spirit had diminished because of this. Our country needs to protect, not detain without due process, victims and vulnerable populations such as asylum seekers and children.

Tatiana Shirasaki, LLM

The women we advocated for are seeking asylum in the U.S. They left their home countries because of violence, drug cartels, death threats, rape and abuse. Sadly, the women and children in Karnes do not have the right to appointed counsel. Therefore, nonprofit organizations rely on pro bono attorneys and law students. A mother of two boys told me how she fled her country because members of the drug cartel were going to kill her and her family. With tears in her eyes she said, “I hoped to survive all the dangers of our journey to the United States. I never expected to be treated like a criminal once here. All I want is to protect my children.” I was explaining to her that we were law students, when she interrupted me to tell me, “I know that you’re not attorneys, you are angels trying to help us.” I hope that our experience can inform and inspire others to volunteer for this cause.

IJC Students at Karnes Detention Center





Celebrating New Villager Office Space. Left to Right: Marsha Mansfield and Cecilia Gillhouse. EJI Board Members: Rachel Mielke and Kelly Noyes

Consumer Law Clinic Intake Reflections

One of the major Consumer Law Clinic student duties is answering the intake phone. On any given day my fellow students and I may answer a call about foreclosure or fifteen calls about a plethora of topics like bankruptcy, student loans, scams, hospital liens, tow truck policies, and everything in between.

I was nervous when I first started answering intake calls. I was a 1L and convinced that I wouldn't be able to answer anyone's questions about anything "legal." My job staffing the campus switchboard in undergraduate school gave me some experience talking with unfamiliar people about unfamiliar topics. For instance, a caller baptized me over the phone before telling me that he had found Atlantis. But in hindsight, even that seemed easy because all I needed to do was transfer the person to the correct number, and someone else would help them. In the Consumer Law Clinic, I was the person who was supposed to help.

I had to consider so many things in talking to folks calling the clinic:

What happened and who did it happen to? Was the problem in the clinic's "wheelhouse" of expertise? Where could I refer a person if the clinic couldn't help? After a month of feeling nervous, I started to get the hang of intake. I learned that we couldn't help with every problem, but we could help with quite a few. I began to feel like I had mastered the intake lines. I felt confident saying, "foreclosure? Have you been served with legal papers yet? You still have 20 days to answer, and we can help you write the papers you need to file." Or, "bankruptcy? I'm sorry, our clinic can't help with that, but I can refer you to an organization that can answer your questions."

I learned the ups and downs of intake. I came to understand that some people call the clinic because they're angry. An occasional caller swore at me because I wasn't able to help him or her. Admittedly, some days I dreaded intake duty. But the better intake calls far outnumbered the really difficult ones: calls from people who have nobody to help them, from people who have endured harassment or discovered they were

ripped off and from people who've had the worst luck. And many calls from people who were grateful simply because I listened and sympathized with their concerns. As my year in the Consumer Law Clinic draws to an end, I realize that the intake line not only played a vital role in my clinical education but also re-connected me with the reasons I came to law school in the first place.

-Nick Chang, 2L
Consumer Law Clinic



Laura C. Smythe
Director, Pro Bono Program

Introducing Our New Pro Bono Program Director

As many of you know, Ann Zimmerman left her position as Director of the Pro Bono Program last August when Laura Smythe began as Director. Laura is delighted to be a part of the University of Wisconsin Law School Pro Bono Program. As an alum of both the University of Wisconsin – Madison (where she received a Master’s degree in Political Science and a second Master’s degree in Latin American and Iberian Studies) and of the University of Wisconsin Law School, she is happy to return to our legal community.

Laura has a varied background, including practicing law in a small law firm in Appleton, WI, mediating thousands of disputes, as well as serving as Executive Director of a community mediation center in Green Bay, WI and teaching in a variety of contexts, including creating and teaching a K-12 course about “Conflict Resolution and Communication Skills,” creating a service learning component for national and international service-learning initiatives and creating a school-wide peer mediation program. She also has taught M.A. and Ph.D. candidates about Ethics and the Law; Law, Politics and Society; Organizational Culture and Change; Organizational Conflict; Ethics and the Law in Mediation, and she has served on committees and boards, too numerous to detail.

Laura has the following to say about her interest in this position:

I bring to this position an enthusiasm for working with students, a passionate belief that we, as attorneys, have a responsibility for contributing our skills, learning and experience to the communities in which we live, and a strong desire to communicate how much we, as attorneys, learn from our clients.

I am also delighted to be a part of such a dynamic Pro Bono Program. Our Program had a great year last year (Academic Year 2013-2014) with 110 students participating in Pro Bono projects and more than 4,055 hours dedicated to serving underrepresented people. Because of this steadily increasing participation, the Pro Bono Program initiated a second tier to the Pro Bono Society (created 2011) so that students who serve both 50 hours and those who serve 100 hours are recognized during the Awards Ceremony that is a part of Graduation weekend.

On behalf of our staff, students and community partners, I would like to highlight the continuing support of the Law School administration, the Wisconsin State Bar, local and state judiciary, local law firms and individual attorneys. Their support makes our program possible and makes it possible for us to enrich the education of our students while improving the lives of so many within our community.

Welcome Laura C. Smythe, M.A., M.A., J.D!

EJI Open House Celebrates “New Digs”

On April 16, students, faculty, EJI Board members, community partners, and clients gathered at the Villager Mall to celebrate the new space for our community law office. The new space was the result of the UW South Partnership, a collaboration between the U.W.-Madison and its community partners with the goal of engaging the community in a space that is more accessible and focused not only on meeting community needs, but also building on community strengths. The Neighborhood Law Clinic is the primary resident of the new space but all of the clinics utilize the space for client meetings and other purposes. The students are thrilled with the space because, at long last, they have conference rooms where they can meet privately with their clients. Thank you to everyone who attended, to Brenda Balch, for putting the event together, and to Mike Hall, who took pictures of this event!

Sarah Orr Wins Clinical Teacher of the Year Award!

One of the ways that the Law School recognizes and encourages excellence in teaching is through the Wisconsin Law Alumni Association’s Teacher of the Year Award. The award has been given for over 20 years to a classroom teacher and more recently, also to a clinical teacher. The Law School polls the three most recent classes for their advice in conferring this award. This year, the award is being given to our own Sarah Orr! We are so very proud that her excellence in teaching has been recognized by former students. Sarah is being honored by the Board of Visitors at their annual meeting.



Sarah Orr



Celebrating New Villager Office Space: Picture on Left: Mitch, former NLC students, Samir Jaber and Jennifer Cunha.

Family Court Clinic Reaches Out to Teenage Parents

Family Court Clinic students Katie Kratcha and Andrew Harding have taken on a new mission: help demystify parental rights and responsibilities for area teens. When teens discover that they are going to have a child, family law is not the first thing on their mind. However, legal educational resources are scarce when they do think of things such as child support and establishing paternity.

Last fall Harding and supervising attorney Marsha Mansfield met with a teen father at Sun Prairie Phoenix Academy to explain his unique legal rights and responsibilities. After the meeting the Phoenix Academy counseling office invited Harding to return to meet with other teen parents at the school and give a similar presentation. Kratcha and Harding went to Sun Prairie Phoenix Academy in December 2014 to meet with a small group of teen parents and soon-to-be mothers and fathers. During the meeting Kratcha and Harding explained the special laws regarding child support and establishing paternity for parents who are minors. The law students also

explained other relevant aspects of family law, such as laws regarding the custody and placement of children.

Kratcha and Harding enjoyed teaching students about their legal rights and responsibilities as parents. “The minor parents that we meet are going through drastic life changes. They are either expecting a child or recently had a child, and the information we give them directly impacts their lives. It’s rewarding for us to help them understand the law and family court process, which can be confusing and foreign for anyone, but especially for minor parents when they have to deal with even more specialized laws,” said Harding.

The Family Court Clinic reached out to other high schools in the Madison area to offer to speak to teen parents this spring, and Kratcha and Harding gave another talk at Shabazz High School in April. The students hope that the Family Court Clinic will continue the program in the future.

According to Kratcha, “Teen parents need resources so they can learn about their legal rights and responsibilities. These kids are very interested in the information, and we are really happy that we can help demystify the legal process for them. The law

for teen parents is different from that for adults, so the extra legal twists also makes the talks interesting.”

The Family Court Clinic is uniquely situated to help these teens. Students in the Family Court Clinic are used to explaining the law in an accessible way. The law students hold weekly sessions at the Dane County Courthouse, where they explain family law to self-represented litigants and provide resources to help the litigants through the court process. The Family Court Clinic’s teen parent talk program is a natural extension of the Clinic’s work at the courthouse. However, since teen parents are in school most of the year they generally cannot go to the courthouse for legal help, which makes the Family Court Clinic’s outreach work at area high schools all the more important.

- Katie Kratcha, 2L
Family Court Clinic



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