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Clarence Darrow Speaks at Remington Center Benefit

By Meredith Ross
Clinical Professor

On October 7, 2010, Clarence Darrow spoke for two hours to a spellbound audience of lawyers, law faculty, and students at a benefit for the Friends of the Remington Center Endowment, Inc. (FORCE).

Portrayed by actor Gary Anderson, Darrow recounted some of his most important trials, including the 1907 murder trial of “Big Bill” Haywood, the 1924 Leopold and Loeb case, and the 1925 Scopes monkey trial. The show qualified for Continuing Legal Education credits for lawyers who attended.

Anderson was simply mesmerizing as Clarence Darrow. He remained in character throughout the show, vividly portraying both Darrow’s strengths as an orator and his occasional periods of black depression.

Darrow is the most famous and most celebrated attorney in American history, and his trials and legal issues remain immediate, controversial, and inspiring. Audience members were both humbled and inspired by the Clarence Darrow they saw on the stage. One lawyer who attended the show commented that “I’ve never enjoyed a CLE program so much; the time just flew by.”

Organized and supported by Madison Attorney Dean Strang, the Darrow event raised over $1,100 for FORCE.

Restorative Justice Project Featured in *On Wisconsin*

The work of the Restorative Justice Project was highlighted in the Winter 2010 edition of *On Wisconsin*, the UW’s alumni magazine. The article, “Opening the Door to Forgiveness,” features Jackie Millar, who suffered permanent injuries as a result of being shot in an attempted robbery fifteen years ago.

The article follows Ms. Millar, accompanied by RJP Director Pete DeWind and law student Jake Stroup, as she travels to Stanley Correctional Institution to meet with one of the men who shot her. It also includes interviews with Pete DeWind and several current and former students, including Attorney Chris Berehns, who commented, “I don’t know that anything could be better than that for my future career in meeting with clients . . . . The first day at Restorative Justice, I was meeting clients and talking with them about serious, life-changing issues. That was something I could never replace.”
Technological Advances at Remington Center

Time and technology wait for no one, and the Remington Center is joining the 21st century. In particular, we are trying to increase our electronic communications with our friends and supporters. Doing so will save trees and significantly reduce our copying/mailing costs. To that end,

We are working to develop a Remington Center Facebook page that will allow visitors to receive notice of, and comment on, updates on the site.

We already have an electronic version of this newsletter, which is available on the Remington Center web site. However, we would like to begin sending the e-newsletter out by email to willing readers. If you have your email address, you can expect to receive an email from us in the next few weeks, asking if you would like to receive your newsletter by email.

By the same token, we plan to begin contacting our friends and supporters by email, to ask if they are willing to accept a fundraising message and annual stewardship report electronically. For those who do not wish to accept such communications by email, we will send out hard copies by US mail.

If you think that we don’t have your current email address and would like us to have it, please send an email to Peggy Hacker at: pjhacker@wisc.edu.

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Bobby Austin - Reflections

By Meredith Ross
Clinical Professor

Many of our readers know Bobby Austin as an important member of the Remington Center family. Bobby joined the Remington Center in 1992, after serving 16-1/2 years of a life sentence for a 1975 homicide. At the Remington Center, Bobby provided much-needed clerical and paralegal support. Perhaps more importantly, Bobby served as the “human face” of offenders for many, many law students, talking openly and thoughtfully about his experiences in prison and the challenges he faced on parole. After 18 years of service to the Remington Center, Bobby Austin retired October of 2010 at age 60. He lives in Madison with his wife, Gail.

Recently, Bobby sat down to answer questions and provide his views on the criminal justice system, lawyering, and life in retirement.

**What advice would you give to young people entering the prison system for the first time?**

Go by the rules. Use your incarceration as an opportunity to learn everything you can. Perform “psychological surgery” on yourself.

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Wisconsin Innocence Project Updates

By John Pray
Clinical Professor

New trial ordered for Cody Vandenberg

On August 31, 2010, Cody Vandenberg walked out of prison for the first time in 14 years into the arms of his family, attorneys, and law students from the Wisconsin Innocence Project. Mr. Vandenberg's release was the result of the Wisconsin Court of Appeals' decision that the interests of justice demand vacating his 1996 conviction for attempted homicide and armed robbery. Since then, the Wisconsin Supreme Court denied the state's petition for review, so now the state has to decide whether to retry the case or dismiss the charges.

The case arose out of a brutal stabbing of a Green Bay man in 1995. The victim was the state's primary witness and testified that on July 15, 1995, a man entered his trailer home, stabbed him multiple times, and robbed him. The victim survived the attack, and several days later, a sketch of the assailant was made.

Four months later, the victim picked Mr. Vandenberg out of a photo lineup. Largely on the basis of this identification, Mr. Vandenberg was convicted of attempted first degree intentional homicide and armed robbery. He was sentenced to prison for 80 years.

In 2008, WIP filed a postconviction motion seeking a new trial. A key witness at the postconviction hearing was Larry Pearson. At the original trial, Mr. Pearson had testified that he (Mr. Pearson) was the getaway driver and that a stranger—presumably Mr. Vandenberg—had gone into the house and attacked the victim.

But at the postconviction hearing, Mr. Pearson confessed that his trial testimony was a lie, and that he was the person who had attacked the victim. Mr. Pearson testified that Mr. Vandenberg was not with him that night, and was not involved in the crime in any way.

Substantial evidence was presented corroborating Mr. Pearson's confession. Mr. Pearson's bloody

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I'm Still Here

By Lindsay Rosenquist Burns
Second Year Law Student

First semester of law school was terrible. Those who said that there was a steep learning curve really were not kidding. And to be honest, second semester was not much better.

I was surprised by how much I disliked law school. I mean, I had always enjoyed school before, including graduate school. But I missed having an average class size of eight students, and I felt overwhelmed by the large lecture classrooms. Although the students at the University of Wisconsin are not what I would ever call "cut-throat," I hated the fact that underlining everything I did was an intense element of competition, especially since it quickly became clear that I was no longer a big fish in a little pond.

It was also nerve-wracking knowing that my entire grade for the semester came down to a 3- or 4-hour time period when I took my final exam. I hated reading and being lectured at for hours upon hours every day, and I started to regret my decision to come to law school.

After the first semester, I began to seriously contemplate dropping out. However, one of the reasons I did not quit was because I had learned that I was accepted into one of the clinical programs. Not only that, I had gotten into my top choice: the Family Law Project at the Remington Center. With that in mind, my husband and I decided that I would stay in law school until the end of the summer after giving my clinical a try, and if I still was unhappy, I would then drop out of law school.

I am now starting the second semester of my second year, and I can honestly say that the Remington Center has completely changed my law school experience. The Remington Center gave me some of the things I now realize I had needed, including a close-knit group of six students and a clinical professor who spends ample time working one-on-one with each of us. I also really enjoy working with other students in a productive, non-competitive environment. I love the variety of the work I encounter, and the amount of flexibility and responsibility I am given.

I also have learned that final exams are a lot like trials: they both are obviously really important, but how you do often boils down to having the focus, commitment, and endurance to plan and prepare in the weeks or months prior to the "test."

Since our clients, as convicted felons, face societal stigma and bias, I think one of the greatest services we provide is putting up a strong fight on their behalf, and then compassionately explaining the outcome to them.

A few months back, I attended a hearing at which one of my clients lost his visitation rights with his children. Despite the outcome, I know this client took some comfort in knowing that we fought hard for him, and will continue to fight for him. Although the outcome might have been the same if he had attempted to

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Not only believe in the mission of the Remington Center, but I also realize that my most difficult, emotional, and “unsuccessful” cases at the Remington Center have prepared me to be a better lawyer.

The next few months are going to be really tough for me personally, because I know I will be replaced by an eager, soon-to-be 2L. And although it is going to be hard not to be at the Remington Center, my work in the clinical has given me a light at the end of the tunnel — I now know that although I still dislike law school, I believe I will really enjoy being a lawyer. I will always fondly remember the Remington Center as giving me most of my “firsts” in the beginning of my legal career, as well as giving me a second chance at law school.

The summer student stipends, supported in part by the Friends of the Remington Center, Inc., helped to make this student’s experience possible.

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**Measuring Success**

By Vanessa Kirby  
Second Year Law Student

During the fall of my 1L year, when it was time for me to start applying for my first summer job, my first thought was to apply to the clinical programs in the Economic Justice Institute and the Remington Center. I hoped to get a position in a clinic because I thought that I would feel the most comfortable seeking guidance from a University supervising attorney versus an attorney at a large firm or public interest organization, who I feared would not have the patience for my ignorance in the law. Also one of the main reasons I decided to attend the UW Law School was because of its extensive clinical programs. I believed that interning at a clinic would give me great hands-on experience and provide me with a lot of client interaction.

When I was accepted into LAIP, I was happy because one, my job search was over, and two, one of the reasons I choose UW Law was fulfilled. Once the clinic began in late May, however, my happiness about getting an internship in the clinic turned to worry. I was worried that I would not be able to provide my clients with adequate legal service. Sure, I had taken substantive criminal law and criminal procedure, but I did not remember everything I had learned, so I questioned my ability to appear knowledgeable during my client interviews.

Fortunately my hunch that the supervising attorneys would provide ample support and guidance was correct. Although I did not know everything, my supervising attorney, Byron Lichstein, always made sure I had the information I needed to meet with my clients.

My biggest fear was not being able to help my clients. I wanted to provide all of them with a remedy to whatever problem they had. All of my clients were serving prison sentences, so the last thing I wanted to do was give them more bad news and tell them that I could not help them. Most of the inmates who have contacted LAIP are holding on to hope—for release, for a letter, or for acceptance into an early release program like the Earned Release Program. At one time I believed that telling my clients I could not help them would be taking away their hope.

I later realized that telling someone I cannot help them may not have been the best news, but it was not the end of the world. In fact, in some cases it was the beginning of a new world for my clients. I found that some of my clients simply did not understand their sentencing transcript, why they were sentenced so harshly, or why they were not accepted into an early release program. After I explained to my clients the basis for the judges’ reasons for determining their sentences and why they were not eligible for early release programs or sentence credit, this information lifted a weight off of them. They no longer had to walk around in the dark about why they were serving their sentence or why they were being denied certain privileges.

The “thank you” and “I get it now” from my clients were rewarding, but I still hoped to do something “big” for a client. I wanted to do something that would surprise me and my client.

The opportunity to do something that I considered “big” came with the assignment to my client SG. Mr. G contacted LAIP because he believed that was not given jail credit for his time served on probationary holds and time served as a condition of probation. If this jail credit was granted to Mr. G, he would be released from prison 471 days earlier than his scheduled release date of January, 2012. If he was given the jail credit, he could be released from prison within a couple weeks.

After careful review of Mr. G’s sentencing transcript and the Department of Correction’s (DOC’s) sentence computation, I found that Mr. G was correct: he was not given all the jail credit owed to him for his time spent in custody “in connection with the course of conduct” for which his sentence was imposed, as required by Wis. Stat. § 973.155.

The sentence computations for inmates are done by hand by DOC employees, and when humans are responsible for calculations there is always room for human error. Likewise, when a person is reviewing the alleged human error, there is also room for error in the review. Although I had reviewed the sentence computation...
Measuring Success
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several times, I was afraid that I was the one who was making the error and not the DOC. I had a hard time accepting that no one had caught this error, and that because of this oversight a person was going to be in prison 471 days longer than required. I did not want to tell Mr. G that he was right about his lack of jail credit and then find out that I did not understand how to read the computations or had overlooked something in his records that explained his sentence.

I reviewed Mr. G’s records with my supervising attorney and he confirmed that Mr. G was not given jail credit for his time on in custody on probation. I was excited to inform Mr. G that we were going to file a motion for sentence credit. I believed that he would get the credit, but there was still a voice lurking in the back of my mind saying “you overlooked something.”

Mr. G was excited and hopeful that the motion would be granted. On August 16, 2010, I filed the motion for sentence credit. On November 22, 2010, I called Mr. G and told him that the motion for sentence credit was granted, and that he would be released from prison as soon as his paperwork was processed. Mr. G was very grateful. We both had out “wow” moment. I wished Mr. G the best of luck and hung up the phone feeling happy, relieved, and fulfilled in my work.

My supervising attorney and I were worried that Mr. G would not be released before the Thanksgiving holiday. We thought there was a possibility that the paperwork might prevent Mr. G from being released before the DOC prison staff closed for the Thanksgiving holiday. But when I called Jackson Correction Institution on November 23rd, I was informed that Mr. G had been released! Mr. G was out of prison and home for the holidays!

My experience working for Mr. G was fulfilling. I felt like it gave me a complete clinical experience. I had told some of my clients “no,” “maybe,” and then finally I was able to tell a client “yes.”

Although I have had success with some of my clients--by explaining the law to them, helping them understand their sentence, or getting a motion granted for sentence credit--I am still worried that I do not know enough or that I will fail my clients. But working in the clinic has taught me that a little bit of worrying is good, because it makes you work harder and helps you appreciate the big and small successes. I am glad that my first legal experience was in LAIP because this experience, coupled with the guidance I received from Byron Lichstein, pushed me to challenge myself and gave me the hands-on experience I was looking for.

Summer student stipends, supported in part by the Friends of the Remington Center, Inc., helped to make this student’s experience possible.

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Thank You

By Judith Olingy
Clinical Professor

It is time to say goodbye.

I joined the staff of the Remington Center (then just known as LAIP) in November of 1988, after moving to Wisconsin from DC. I wasn’t at all sure of what to expect or what my job was to entail. At first, it seemed like our educational philosophy was something like: “drag the students along and they are bound to learn something.” The program was young.

Over the years, the Remington Center grew up, as did legal clinical education across the country. We became older and wiser, and much more focused and sophisticated as to how best to help law students become novice lawyers upon graduation, with practice experience in how to most responsibly serve their clients and the justice system.

To be sure, promoting experiential legal education over the last two decades has been a challenge and, at times, distressingly glacial in progress. But throughout it all, it is the students who made the entire endeavor worthwhile for me. They always were anxious to learn, despite their fears, and wanting to do their best work for their clients.

So many expected perfection from themselves right out of the box. They quickly realized that was impossible, but each climbed a steep learning curve that many had never before encountered. And each one made that climb primarily for the benefit of his or her clients.

But now it is time for me to move on to whatever comes next. (I knew it was getting close when more and more students returned polite, but blank, stares to my various cultural references.)

So, I say thank you to each and every student that I have had the privilege to guide in the last 22 years. You taught me more than you’ll ever know, and gave to me what I hoped for each and every one of you: an exceedingly satisfying professional life.

Take care everyone – Judy

Judy Olingy will retire in May of 2011 after more 22-1/2 years of teaching at the Remington Center.
Wisconsin Innocence Project
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shoepints matched footprints found in the victim’s home. Blood was found on the driver’s side of Mr. Pearson’s car. Mr. Pearson’s trial attorney testified that Mr. Pearson had confessed to being the stabber in 1995, but the attorney was bound to secrecy until Mr. Pearson waived attorney-client privilege. Mr. Pearson’s prison social worker also testified that Mr. Pearson had confessed to her.

In addition, new evidence was presented undermining the victim’s identification of Mr. Vandenberg. Hospital records proved that the victim was highly intoxicated at the time of the attack, with a BAC of over 22%. An expert witness testified that this would have made it much more difficult for the victim to make an accurate identification. The expert also outlined the problems with eyewitness identification in general, and pointed out many problems with the identification procedure that was used in the case.

The appellate court’s unanimous decision in the Vandenberg case was the culmination of ten years of WIP investigation and litigation in the case. During that time, 22 WIP students have worked on the case.

WIP Attorney John Pray was the lead attorney in the case, and was assisted by law students David Blinka and Jamie Yoon (2010); Sarah Anderson and Amanda Riek (2009); Crystal Banse, Claire Taylor, and Kristin Shimabuku (2008); Dana Lesmonde, Jessica McNamara, and Vic Yanz (2007); Adam Loomans, Eric Weiss, and Noel Spencer (2006); Andy Twietmeyer and Jessica Martinez (2005); Patrick Harrigan, Pete Foss, and Jason Farris (2004); Adrian Renner and Nathan Kipp (2003); Sarah Kolodziej (2002); and Chris Beese (2000).

Davonn Robinson exonerated

In 2006, when Davonn Robinson was just 18 years old, Milwaukee police arrested him and booked him into the Milwaukee County Jail. Mr. Robinson could not have known that for the next 4 ½ years his world would turn upside down.

When Mr. Robinson got to jail, he was told that two of his cousins—eight-year-old boy and girl twins—had told police that he had sexually assaulted them a year earlier. It seemed like an open and shut case, and it went through the system accordingly.

Mr. Robinson, who insisted he had not done anything wrong, nevertheless pled no contest when he came to believe that if he didn’t take a deal, he would face much more time. As it was, he received a 15-year sentence: 5 years in prison and 10 years of extended supervision.

Mr. Robinson suffered the drudgery of prison in the ensuing years, but continued to maintain that he was innocent.

The break in Mr. Robinson’s case came fortuitously. The female “victim,” by now twelve years old, was arrested by police for an assault on another child. While she spoke to police about that incident, she raised the subject of the sexual assault allegations she had made four years earlier against Mr. Robinson. She calmly told the officer that Mr. Robinson had not assaulted her, and that she had been forced to make the allegations by her mother, who “had it in” for Mr. Robinson.

The other accuser, the girl’s twin brother, was then contacted. He confirmed what his sister was saying—that their mother had repeatedly beaten them both with an extension cord until they falsely accused Mr. Robinson of the sexual assaults.

It turned out that the children had never lived with their mother until the summer they were forced to make their false allegations, because she had been in prison during the first eight years of their lives. The twins hardly knew their mother, but were terrified of her. Corroborating the twins’ claims that the children’s mother used physical abuse to coerce their false allegations, the mother was convicted of multiple crimes, including child abuse, and sent to prison after Mr. Robinson was convicted.

To their credit, the police recognized the significance of this new evidence and contacted the Wisconsin State Public Defender’s Office, which assigned the case to Attorney Brian Findley. When Attorney Findley was unable to continue with the case due to other commitments, the case was assigned to the Wisconsin Innocence Project. WIP Co-Directors John Pray and Keith Findley, who worked on the case with law students David Blinka and Brett Dobbs.

In August, 2010, the Milwaukee County Circuit Judge Dennis Cimpl conducted a postconviction hearing, at which the twins repeated their story that their mother had forced them to falsely implicate Mr. Robinson. Other relatives of the twins testified as well, stating that they had always known the allegations were false, but felt powerless to do anything about it. At the hearing, the prosecutor admitted that the state would never have brought the charges if the new evidence had been known, but made no argument as to what he thought the judge should do.

On September 23, 2010, Judge Cimpl vacated Mr. Robinson’s conviction. The prosecutor immediately announced that the state would dismiss all charges.

Accompanied by his mother, along with students and attorneys from the Project, Mr. Robinson walked out of prison later the same day. When Mr. Robinson and his mother saw each other for the first time in the parking lot, they both spontaneously screamed and ran toward each other, and embraced in what can only be described as sheer exuberance. Their reunion was captured on video, which can be viewed on YouTube. Google “Davonn Robinson release,” or go to: http://www.youtube.com/watch?v=qL3XHGNNupM.

Really, all one needs to do is to watch the video to understand the pain of false imprisonment, and the joy of vindication.
Bobby Austin - Reflections
(continued from page 2)

listen.

Are there any people who have influenced you particularly?

Frank Remington inspired me when I was in prison, because he would listen to me. At times I felt like nobody else would listen to me. Frank always made me feel like I could communicate with him without being judged. One time, when I was concerned about a problem with prison programming, Frank just listened. Then he rubbed his elbow like he always did when he was thinking and said “Let me look into it.” About a month later, Walter Dickey came up to see me and things started happening.

While I was incarcerated, Frank, Walter, Bill [Audet] and Ben [Kempinen] helped me a lot and influenced me for the better. Meg [Gaines] helped me get paroled and gave me lots of great advice.

When I got out of prison, everyone at the Remington Center embraced me like a family. If I had a problem, I could talk to anyone there. I remember one time, I lost my ATM card. Meredith [Ross] listened to me, and explained how to contact the bank to get the card replaced. I had just gotten out of prison and had no idea how to deal with something like that. It was so great to have that kind of support system.

How do you plan to spend your retirement time?

Fishing! I like to catch freshwater fish like catfish and bluegills. I also love gardening. I really enjoy cultivating roses. I made a raised bed last year that we grew vegetables in, which was great. We also have grapevines, and Gail is famous for her grape pies, a family recipe.

I also like reading. I prefer nonfiction, especially histories and books about society and religion. Pete [DeWind] recently gave me an interesting book about Chinese religion. I’ve also been reading President Obama’s Audacity of Hope. I really like his message, which is that you need to act, even if it’s risky.

Finally, I hope to spend some time travelling. Gail and I look forward to having the time to see more of this country.

Do you have any last word for our readers?

LAIP has been a great experience for me. I miss everyone there. I’d tell the students: If you want a lot out of the experience, you need to put a lot in. You’ll get what you put into it.