



AGGIE LAW EXPERIENTIAL News

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The 2017-2018 academic year was exciting for the Family & Veterans Advocacy Clinic (formerly known as the Family Law & Benefits Clinic). Clinic students and staff represented clients, won awards, collaborated with the local bar and legal aid organization, and participated in numerous outreach events. All the while we made certain that clinic students were fully involved and maximized their clinical experience.

The goal of the clinic is to provide a “hands-on” teaching environment for students in the practice of law. During the last year, clinic students drafted 273 pleadings and closed 44 cases that

included 88 court orders. Of the closed cases, 13 involved family violence and 17 cases involved veterans. We started support payments for our clients in the amount of \$85,080 annually and obtained orders for judgments and property division in the amount of \$249,336. As part of their experience, three students, Callie Dodson '18, Jacob Hugentobler '19, and Allison Baker '19, finalized a hotly contested divorce case that included child abuse allegations. Supervised by Lynn Rodriguez with Callie as “lead counsel,” the students learned first-hand about discovery and mediation as well as preparing documents and witnesses for final trial. The students



Clinic Attorney, Lynn Rodriguez and student, Katherine Hawkins were both awarded the Eagle Service Award from Texas Lawyers for Texans Veterans Tarrant County Chapter

worked together to finalize a mediated agreement that included much needed protection for the children plus child support and an equitable division of property for our client.

Our award-winning clinic has much of which to be proud. In October 2017, both our supervising attorneys, Lynn Rodriguez and Karon Rowden, were recognized by Legal Aid of North West Texas (LANWT)



Spring Clinic 2018

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Kristin Newby, '19, Nijm Ramsey '18, Prof. Jeff Slattery, Samantha Jordan, '19



WAFFLES AND BISCUITS AND BEER... OH MY!

Trademark Clinic Students Eat, Drink, and Serve the Community Well

Students in the Trademark Clinic prepare and file applications across a wide range of industries, but early 2018 brought a feast of requests (and free samples!) from purveyors of delicious food and drink. Two students took on these delicious tasks between them.

Samantha Jorden, '19, worked with entrepreneurial chefs from College Station to Fort Worth. One client had a food truck whose waffles became popular enough to launch a brick-and-mortar restaurant. Another served up biscuits that have earned awards for being some of the best in town. A third learned just how good European baked treats can be during her travels and is committed to sharing that love across Texas via local farmer's markets. In helping these clients apply for federal trademark protection, Samantha brought her own creativity and interest in protecting intellectual property rights to the table. Samantha learned the ins and outs of interviewing and counseling, developing questions both in advance and on-the-fly to elicit information that would help her provide client-focused advice that matched their stage of business development.

"The clinic taught me how to prepare applications for federal trademark

registration, but I also gained insight into evaluating a client's needs and potential for success. I am so thankful for the hands-on experience I gained through the clinic because I believe it will help me to provide services to future clients with confidence and understanding," said Samantha.

Kristin Newby, '19, handled the beverages, working with a Texas-based craft brewer to clear the trademark rights in names for both his brewing company and inaugural beer. Kristin brought a barrel of wine industry sales and marketing experience to her client representation, where she conducted real-life research of competitors' web and social media sites, analyzed the results, and concocted arguments in favor of her client's position. During her time in the Trademark Clinic, Kristin focused on the various processes involved in building a set of trademark-specific client counseling skills. She blended her professional experience before law school with what she learned in the clinic to establish solid relationships with her clients. Kristin found particular value in what she learned with each and every client interview and counseling session, refining her ability to elicit information that would be pivotal in the decision-making

process. She also found a nice balance between the more informal nature of her work in the world of wine before law school and the more formal requirements of legal practice.

"I thoroughly enjoyed working under the supervision of the clinic professors — it was the perfect balance between working autonomously as you would in the real world with real clients, and having a mentor figure that you could always easily approach with questions," said Kristin of her time with the clinic.

Trademark Clinic students, Kristin and Samantha helped emerging food and beverage makers learn more about trademark law and brand protection. They honed their trademark knowledge and built the confidence needed to practice. Each acquired a valuable skillset ranging from the substantive and procedural rules for federal trademark protection to the back-end systems that help a law office run smoothly and efficiently. As a result, Samantha, Kristin, and their classmates will continue as valuable assets to their clients and the profession for years to come.



The Patent Clinic: Aggies Helping Aggies in College Station with Innovation

Students in the Patent Clinic deepened their connection to College Station by taking on three new clients from Startup Aggieland in the McFerrin Center for Entrepreneurship at Mays Business School. Startup Aggieland, a globally-recognized, award-winning business incubator and accelerator, offers free office and co-working space to students, former students, staff, and faculty from Texas A&M University with ideas for world-changing inventions. It is ranked as the #5 university-linked accelerator in the U.S. and in the top 25 globally.

“Partners since 2013, the Patent Clinic at the Texas A&M School of Law has been an essential collaboration for Startup Aggieland’s rapid evolution from a student-managed facility to a full-resource business accelerator located in Texas A&M University’s Innovation District at Research Park,” said Startup Aggieland Co-Founder Shelly Brenckman, a staff member of the McFerrin Center for Entrepreneurship in Mays Business School.

Work for Startup Aggieland clients in 2018 began with Patent Clinic students conducting intake interviews and gathering facts about the inventors, their inventions, and plans for development. From there, Patent Clinic students ran searches to see whether any “prior art,”

(earlier, similar inventions) existed, then analyzed their findings to determine whether an application for patent protection might succeed. If the United States Patent and Trademark Office issues any actions associated with an application, our students will respond to them, working in direct contact with government patent examiners toward a resolution.

“Thanks to partners like the Patent Clinic, Startup Aggieland – more than 30 patents have been issued to some of our 236 client companies. Most of those early stage ventures are owned and managed by Texas A&M University students, and a number who qualified for pro bono legal assistance would not have been able to pursue patent protection without the Patent Clinic’s support and expertise,” noted Shelly. “Everyone with the McFerrin Center is extremely grateful for the Patent Clinic’s ongoing help with growing the state’s entrepreneurship ecosystem. We are especially appreciative on behalf of our student entrepreneurs and inventors.”

All work done by Patent Clinic students occurs under the supervision of Professor Kristin Timmer. Professor Timmer joined the Patent Clinic in 2017 and brings a wealth of knowledge from private practice at Haynes and Boone LLP and The Weir

Group. She has handled a wide range of patentable technologies in traditional and alternative energy, pharmaceuticals and medical devices, automated control and monitoring systems, food and beverages, sports equipment and others. Professor Timmer teaches in the clinical seminar, facilitates client interviews and counseling meetings, reviews and provides feedback on student work, and mentors students in their patent-focused career paths.

Student Alex Antonio, ‘19 said “the Patent Clinic, gave me a great foundation in practical patent law for my 2L summer associate position. I came to my job already knowing the basics in writing patent applications and was familiar with USPTO patent prosecution process. The experience that I gained from the Patent Clinic allowed me to be confident in starting my summer associate position, and enabled me to perform quality work much faster.”

With a patent in hand, clients from Startup Aggieland will be better positioned to secure funding from outside sources and make their inventions available to the world, and with the experience gained, our law students will be ready for the workplace.

COMMUNITY LEGAL ACCESS CLINIC



The Community Legal Access Clinic opened my eyes to a different kind of legal practice - community lawyering. It is different than just practicing law because it provides people access to legal tools needed to empower and support themselves and their communities. The goal is to have a larger, community-based impact. This clinic experience also served to shift my idea of what my role as a lawyer and advocate should be. I entered law school with the misguided notion that I would be a voice for traditionally underserved people. Through the clinic, I realized that it is far more important to help people find their own voices.

The clinic further underscored for me the importance of meeting people where they are and making clients feel comfortable. I also gained a number of practical skills including how to interview clients, to listen well, and to distinguish between legal and non-legal issues. I also learned the ability to break down complicated legal concepts and processes and communicate them in a way that makes sense to clients. This will undoubtedly serve to make me a more successful advocate.

The clinic experience ultimately led to internship and career opportunities that effectively rerouted my career path. From contacts made through the clinic, I was offered a fellowship opportunity to assist with affordable fair housing issues in Fort Worth. A discussion about community lawyering and projects on which I had worked, both during and after the clinic, led to another internship position, one that has long-term career potential.

Clinics provide a rich hands-on lawyering experience and are an integral part of learning how to be a lawyer. It is an invaluable opportunity, both for law students and for clients who otherwise would not have access to the legal system.

Sara Pricer '18

Inaugural Semester of Criminal Defense Clinic

This year in the Criminal Defense Clinic, students worked both on representation of clients and enhancing local criminal justice reform needs.

In its inaugural semester in the fall of 2017, Criminal Defense Clinic law students worked with clinic director, Professor Amber Baylor, to develop a defense mitigation practice. Mitigation involves deep investigation into the personal life of the person charged with a crime. This includes learning about their family history, educational background, health and developmental challenges, neighborhood and environment, as well as their relationships. It is a critical skill implemented throughout representation, from bond hearings to plea negotiation and sentencing.

After training with capital mitigation experts, students provided mitigation for individual clients. Each of their clients was incarcerated pretrial for charges ranging from possession of a controlled substance and aggravated robbery to capital murder. Most of the clients were in their late teens and early twenties, and had experienced

incredible trauma during their lives. The students interviewed clients in jail, conferenced with multiple family members, ordered educational and health records, spoke with school teachers, collected photographs, annotated trial evidence, travelled to alleged crime scenes in East Texas and visited client homes with their investigators. They compiled a final “mitigation report” for their client, detailing findings to be delivered to prosecutors and the court. As a defense attorney attested about the mitigation reports: “I was able to use many of them to secure a favorable plea offer, when there was no offer at all beforehand. I appreciated their efforts and the results obtained from those efforts... It was a pleasure and a great help.”

In seminar, students provided peer support for each other’s mitigation work. In class, they also honed trial advocacy skills with Professor Baylor and had an opportunity to moot stages of criminal court advocacy with local defense attorneys.

Clinic students provided invaluable assistance in building the foundations for the TAMU Criminal Defense Clinic. They learned from guest speakers from different agencies and organizations. Students also went out into the community to assess local needs. They met with local organizations focused on criminal justice reform including Faith in Texas, the ACLU, Women in Need, Open the Door and Texas Inmate Family Association. Finally, they presented their needs assessments in seminar – providing a roadmap for future in-house clinic work.

We look forward to this upcoming year: students will represent people in court and continue to collaborate with local organizations to improve our justice system.

“Our goal was to provide the judge with information about our client so he or she could have a better understanding of our client’s background and learn who he is as a human being.”

- Kriti Sharma, '18



*Students stop at Buc-ees after a long day visiting with families and clients in a Gregg County jail.
Pictured: Elisabeth Fairbanks '18, Kriti Sharma '18, Ryan Kinkade '18, Robin Donnelly '18. Not Pictured: Tyla Evans '18*

Residency Externship Program in Public Policy

The Texas A&M Residency Externship Program in Public Policy (REP-PP) enters its fourth year of existence stronger than ever.

The REP-PP provides law students with opportunities to engage in policymaking throughout the public sector in Washington, D.C. or Austin, Texas. These highly impactful placements give law students a chance to put their legal skills and Aggie Core Values to work in meaningful ways. The program truly allows them to “Lead by Example.”

The REP-PP runs every spring and is open to second- and third-year law students with a demonstrated interest in public policy, strong grades, and a desire to serve the public. REP-PP students work in positions of direct policymaking and analysis, including the U.S. House of Representatives Homeland Security Committee, the Department of Justice’s Environmental and Natural Resources Division, the U.S. Senate Committee on the Judiciary, the Texas Railroad Commission, Office of the Governor of Texas, the Texas Senate Committee on State Affairs, and the Texas Health Services Authority. They also work with policy advocates such as the ACLU, the Open Society Foundation, CropLife America, the Association of Public and Land Grant Universities, and the Texas Hotel and Lodging Association.

“As part of the Aggie Network, our students have access to unlimited placement opportunities in the public sector – both in Texas and D.C.”

- Lisa A. Rich, REP-PP Director

The benefits of the REP-PP do not begin and end with exceptional placements, however. Students in the program are required to take a unique public policy drafting course that prepares them for producing talking points, position papers, and hearing testimony, among other assignments. They also take an immersion course prior to leaving for their host cities that explores ethics issues, the “hot topics” being addressed by policymakers in their



Lauren Thomas, '19, Hope Shelton, '18, Michael Zeldin, CNN Legal Analyst, Lisa A. Rich, REP-PP Director, Shelby Sterling, '18, and Joshua Ramirez, '18, at The Hamilton Restaurant, Washington, D.C.

cities, and requires students to prepare and deliver research papers on their placements so they are ready to work the moment they arrive.

“Lauren was incredible. She was the only clerk shared by two litigating groups, and as a result was inundated with projects when she arrived. She handled her heavy work load with poise and calm, lining each project up and knocking it down in due course.” – Emily Powers, U.S. Department of Justice, ENRD, on Lauren Thomas, Class of 2019

Throughout the semester, REP-PP students also take a one-of-a-kind seminar course in their host city led by a policy expert. As part of this course they explore public sector ethics and politics, conduct significant research related to their placements, and discuss their role in the policymaking process with their professor and peers. In addition, REP-PP students have small group meetings with leading local, state, and federal policymakers including Members of Congress and the Texas legislature, representatives of the Texas and federal executive branches, and the state and federal judiciary, as well as leading lobbyists, policy advocates, and members of the media.

REP-PP students also receive support from and participation in the local chapters of the Aggie Association of Former Students, including the opportunity for professional mentorship. In 2018, the REP-PP gained two additional advantages for its students. First, the law school established a concentration in public policy. Students who earn a minimum of 16 credits in public policy work with a sufficient grade point average can

now specialize in domestic or international policy as part of their law school career. Like declaring an undergraduate major, earning a concentration in public policy signals to employers that our graduates have the substantive, analytic, and communication skills to work effectively in the public sector as soon as they graduate.

Second, the law school has worked closely with the Texas Public Policy Foundation to provide clerkship opportunities to Texas A&M law students throughout the school year, including paid summer positions. As one of the leading litigation and advocacy groups in Texas, this pairing provides students an opportunity to work on issues directly impacting Texas. The REP-PP also sponsors guest speakers throughout the year at the law school highlighting the important intersection of law and policy.

Participation in the REP-PP gives students the “real world” practical experience that translates into employment upon graduation. As of 2018, all graduates of the program find full time, J.D. or bar advantage jobs within nine months of graduation. They are employed in such important positions as federal judicial law clerks, counsel in the United States Congress, Assistant District Attorneys, officers in the U.S. military, members of the Department of Justice Honors Program, and throughout other federal and state agencies.

For more information about the Residency Externship Program in Public Policy, please contact Professor Lisa A. Rich at larich@law.tamu.edu.



Entrepreneurship Law Clinic Students Help Build Local Businesses

In Spring 2018, students in the Entrepreneurship Law Clinic work with prospective client leads generated through marketing efforts by the City of Fort Worth Business Assistance Center. The type of businesses the students worked with spread across a wide range, from property managers and residential home flippers to event planners and a self-published author of children's books. The students came away with a wealth of practical experience, from identifying, completing, and filing the appropriate forms with the Texas Secretary of State to working with multiple investors and principals in drafting operational documents. Students formed business entities that helped their clients establish credibility and raise capital. They negotiated and drafted contracts to secure their clients' rights and limit their responsibilities. TAMU Law students helped provide thousands of dollars in business-focused legal services to people who would not otherwise have been able to afford them.

As with every clinic, all of the student work

The Entrepreneurship Law Clinic provides a great opportunity to get practical experience by stepping in the role of the attorney and serving real clients.

-Gabriela Richardson, '19

was supervised by professors who are also practicing attorneys. In the Entrepreneurship Law Clinic, those professors-in-practice are Rob Keffler, a partner at Murphy Mahon Keffler & Farrier, and Evan Malloy, a partner at Kelly Hart & Hallman, each a prominent Fort Worth law firm known for their experience in business formation and transactions. Professor Keffler has been awarded preeminent status with Martindale-Hubbell, an honor reserved for attorneys having the highest level of professional excellence in the eyes of their peers; meanwhile, Professor Malloy has been

repeatedly recognized as a "Top Lawyer" by Fort Worth, Texas magazine and as a "Rising Star" by Texas Monthly in the field of mergers and acquisitions, in addition to being recognized as a "40 Under 40" honoree by the Fort Worth Business Press.

With guidance from these seasoned experts, Entrepreneurship Law Clinic students honed their professional skills and built their confidence. They learned valuable techniques for client interviewing and counseling, enabling them to gather facts, provide information, and facilitate decision making for their clients. The students also learned about numerous aspects of law practice management, including digital solutions for time, document, and matter management.

It is with great pride that we continue working alongside the City of Fort Worth in helping build our local economy, one business at a time.



Byron Bailey ('18)

Clinic Student Reflection: Transactional Law Practice

Texas A&M University School of Law provides grand opportunities for students to gain a practical education in the law. Of the many offerings, my favorite has been participating in the legal clinics. The legal clinics give students the experience of solving real world problems of actual clients.

I loved the clinical programs at Texas A&M so much that I participated in the Trademark Law Clinic, the Entrepreneurship Law Clinic, and the Community Development Clinic. Each of them provided the opportunity to interview clients, assess their legal issues, and implement solutions to address their needs.

However, each clinic required different legal acumen to solve the problem presented in each respective clinic. For example, the Trademark Clinic demanded that I consult with small business owners for the specific property that the small business owner wanted to register. Often such consultation required explanation of what a trademark is, its classes, and the extent of its protections. At times it required assistance in changing a

beloved name of an item or company of which a small business owner has grown fond. It's very rewarding to see the official trademark certificate and registry of a product that you have registered.

on steroids. We drafted company agreements, drafted documents to form entities in Texas, and negotiated partnership agreements. My interactions with clients involved explaining the advantages and disadvantages of each entity or agreement and then assisting the client in selecting the structure or term that most advanced their business goals.

The last clinic I participated in, the Community Development Clinic, was the perfect culmination of my previous clinical experience and my law school experience as a whole. Amongst the projects we worked on last semester, the Community Development Clinic assisted clients in forming non-profit entities, creating know your rights presentations, assisting with clients with resolving small claims disputes, and negotiating landlord-tenant disputes. I had the opportunity to assist a local civil rights



The Entrepreneurship Law Clinic provided a similar "interview-to-finished product" experience. It gave me the opportunity to help small business owners form a legal entity. This clinic is like a Business Associations class

organization work with the City of Fort Worth to establish a historical marker that commemorated Dr. Martin Luther King's visit to Fort Worth

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CRIMINAL LAW EXTERNSHIP OPPORTUNITIES IN DFW

Being located in a large metropolitan area, there are many opportunities for our students to choose an externship. Some of the most sought-after experiences are those in criminal law.

Within the field of criminal law, students can choose to work with many of the local district and county attorneys' offices in the surrounding counties, such as in Dallas, Collin, Rockwall, Denton, Parker, and Tarrant, or work on federal criminal matters through placement with the United States Attorney's Office for the Northern District of Texas. Students choose to work on criminal defense cases by finding placement with the Federal Public Defender's Offices or the Dallas County Public Defender's Office.

Students working with these organizations, are afforded the opportunity to apply their classroom learning to real world cases. At these field placements, students have the invaluable opportunity to learn under the mentorship of practicing attorneys who, from their experience, share the knowledge and insights they've gained into all aspects of being a lawyer.

Although each experience is unique, most placements offer students the opportunity to participate in the many phases of prosecution, including research and briefing, preparing grand jury summaries, drafting various litigation pleadings, participating in witness interviews, observing courtroom proceedings, and participating in case strategy development. For example, the Tarrant County District Attorney's Office, allow students to attend prosecutor trainings, field trips and guest speaker luncheons. A student recently placed with the U.S. Attorney's Office for the Northern District of Texas worked on a variety of research and writing projects, drugs and other substance charges, child pornography, mandatory minimums, appeals of a sentence, supervised release, and defining what constitutes a firearm. She observed court hearings and trials as well as moot court practice and was asked for her feedback on appellate



Ryne Thacker 2L, '19 and Professor Spence

preparations. She often engaged in one-on-one talks with attorneys, discussing a variety of topics, such as prosecutorial discretion relating to charging, which she found to be one of the most valuable aspects of her experience.

Students who want to obtain their bar cards to take an active part in trial should consider applying to externships in Collin, Rockwall and Parker Counties. This past spring, a student with the Collin County District Attorney's Office prepared cases for trial and conducted his first bench trial. Through that experience, the student gave his first opening statement, questioned a witness, introduced evidence into the record, and presented the closing statement. In the process, he helped develop a theme and strategy for the case, learned how to question a witness, get evidence into the record and

deliver an effective opening and closing statement. Throughout his externship, he observed trials, learned about effective trial strategies, and developed practical litigation skills under the supervision of seasoned attorneys.

It is this final point that highlights a very important component of these experiences: the professional relationships students develop with their attorneys. Many of the attorneys with whom students work often serve as mentors during the semester and beyond, becoming someone students can reach out to for advice and guidance as they move forward in their careers.

Students who would like to learn more about criminal law externship opportunities can contact Cecily Becker, Director of Externships, at cbecker@law.tamu.edu.



I took Evidence and Criminal Procedure at the same time that I was externing with the DA's office. I don't think that I could have asked for a better way to reinforce the concepts that we were learning about in class than having the opportunity to watch them play out at the DA's office and in the courtroom regularly.

– Ryne Thacker 2L, '19



*Spring 2018
Immigrant Rights
Clinic students with
Prof. Marouf*

LITIGATING FOR IMMIGRANT RIGHTS

Students in the Immigrant Rights clinic have been actively involved in federal litigation in both U.S. District Court and the U.S. Court of Appeals for the Fifth Circuit. The clinic filed a federal lawsuit against Immigration and Customs Enforcement in the Northern District of Texas on behalf of a client named Sara Beltran-Hernandez, whose case received national attention last spring when she collapsed at the Prairieland Detention Center in Alvarado, Texas, and was diagnosed with a brain tumor. She was placed on a “no contact list” while hospitalized, removed from the registry of patients, and denied access to counsel by two detention center guards who were stationed in her hospital room. The clinic obtained her release from detention in March 2017. The lawsuit is based on her treatment in detention and primarily seeks declaratory relief to prevent ICE and privately-run detention centers from treating detainees in this manner. The government filed a motion to dismiss, and the clinic filed an opposition this semester. That motion is still pending with the District Court.

At the same time, the clinic is litigating

the denial of Ms. Beltran-Hernandez’s asylum case at the Fifth Circuit. This semester, the clinic consolidated her direct appeal with a denial of a motion to reopen at the Fifth Circuit and submitted supplemental briefing to the Court.

clinic students have also worked on several appeals pending with the Fifth Circuit. Shortly before the start of the semester—on the Friday before Christmas—the clinic secured an emergency stay of deportation from the Fifth Circuit for a woman who feared persecution in Honduras based on her sexual orientation. Advanced clinic student Isabelle Hutchinson, ‘19, fully briefed the case, drafting the opening and reply briefs over the course of this semester. The briefs argue that the harm the client previously experienced in Honduras rose to the level of past persecution and that she has a well-founded fear of future persecution.

Another Fifth Circuit case challenges a recent published decision of the Board of Immigration Appeals (BIA) in *Matter of W-Y-C- & H-O-B0*, 27 I. & N. Dec. 189 (BIA 2018). That decision held that a “particular social group,” one of

the five grounds for asylum, cannot be reformulated in an administrative appeal and that an applicant must provide an “exact delineation” of the social group to the immigration judge. The opening brief, filed in May 2018, made several legal arguments, including that the BIA erroneously treated the particular social group analysis as a factual question, rather than a legal one, that “exact delineation” is an excessively strict standard for waiver of a claim, and that the new rules articulated by the BIA should not be retroactively applied. The clinic is co-counseling this case with the Harvard Immigration & Refugee clinic and the University of Houston clinic. Because the case raises such important legal issues in the area of asylum law, two amicus briefs have also been submitted in the case. One of the amicus briefs by former immigration judges addresses how the BIA’s decision represents a departure from practice. The other amicus brief by nonprofit legal services organizations discusses the impact of the decision on pro se asylum applicants.

Students interested in federal litigation, civil rights, and human rights practice, will greatly benefit from the Immigrant Rights clinic. There are few clinics in the country that offer this type of experience so we encourage you to learn more this unique opportunity to apply your litigation and moot court skills to help actual clients.

SPEEDLAWYERING IN THE LOW INCOME TAX CLINIC

The pace of casework in academic clinics is slower than in a law firm because we use client representations to train law students. That benefits from a methodical approach that doesn't emphasize efficiency. Director Bob Probasco tells the LITC students, however, that one part of the clinical experience – “calendar calls” at U.S. Tax Court trial sessions – does involve speed, “We show up on the first day of the trial session and offer to meet with any taxpayers who are there without attorneys, to explain the process, help them evaluate their cases, and advise them on how best to proceed. We're solving their problems right then, not just doing intake. But we often have very limited time to do that.” The clinic currently attends Tax Court trial sessions in both Dallas and El Paso, and also helps taxpayers in Laredo and the Rio Grande Valley solve their tax problems.

Last October, at a trial session in El Paso, there was a particularly challenging example of that. The taxpayer, a sub-contractor who installed drywall for new home construction and spoke only Spanish, was facing a potential liability of \$260,000 and had no idea how to proceed. The IRS had challenged a deduction for contract labor costs in his business. He paid his workers exclusively in cash. He didn't have any receipts. He

maintained only very rudimentary records of what he had paid and no longer even had those records. The payments at issue had taken place twelve years earlier and he no longer remembered many details. Due to a misunderstanding, he thought the case had been resolved, so he hadn't been working with the IRS until he showed up that morning. He was facing a motion to dismiss his case filed by the IRS because of that lack of cooperation. The judge lectured him sternly, said she was skeptical that he could prove his case, and then announced that she would start the trial in about an hour.

“We had to get as much information about his business as we could, as quickly as we could, and try to weave that into a persuasive story. It would be relatively easy to convince the judge that he had hired contract workers, because he couldn't have done all of the work by himself. But we also had to prove that the amount he claimed was accurate. And we had no idea yet how we could do that persuasively,” says Probasco. “I wasn't confident when we started.” Forty minutes later, the clinic presented the taxpayer's story to the IRS attorney, hoping for a settlement. “To our surprise the IRS attorney agreed to concede the entire case,” says Carlos Rocha, the Low Income Tax clinic's program coordinator.

“Our client didn't believe us at first when we told him that he wouldn't have to pay anything. He was very happy, though; that result made a huge difference in his life,” says Rocha.

“This was a great example of the challenges of ‘speed lawyering’ and I use the scenario now as an interviewing exercise for the classroom,” says Probasco. “It's intimidating initially but can turn into a confidence builder when the students realize how much they can accomplish quickly with the right approach.”

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in 1959. This clinic was the most personally rewarding to me because I contributed to a legacy project that will have a lasting impact on the Fort Worth Community for decades to come.

The clinical experiences at Texas A&M University rounded out my legal education. Interviewing clients sharpened my ability to ask precise questions that get to the root cause of the issues. I now know the correct questions to ask to get vital information out of a client in order to better assist him or her. This is an invaluable skill that will set me apart from many other first year associates. Other skills I acquired in the clinics include managing client expectations, telling a prospective client that we could not assist him, chronicling time for billing purposes, operating in autonomy with full responsibility, and many other vital interpersonal skills. I am grateful to the law school for providing such experiences and I encourage all students to partake in the TAMU Law clinics.



Spring 2018 LITC Clinic

THE TAX DETECTIVE

Once students in the Low Income Tax Clinic learn how to interpret IRS correspondence and records, most cases turn out to involve only one or two clearly defined disputes. Identifying and gathering relevant information and crafting it into a persuasive argument still requires persistence and skill but at least the issues are obvious. However, that is not always true and sometimes the case turns out to have other hidden problems, with lots of twists and turns. Regina Palmer-Coleman wound up with several such cases during the Spring 2018 semester. She says, “I never judge a case by its cover. I know that I have to keep my eyes open, even – maybe especially – when the Director tells me that it seems to be a simple issue.” But she relished the challenges and attacked those cases enthusiastically.

One of Regina’s most memorable cases involved her client who came into the clinic claiming his tax return preparer stole his tax refund check. He had filed a tax return preparer misconduct report with the IRS, but it was rejected due to missing paperwork. At first, Regina felt this would be a very straightforward case. All she needed to do was refile the misconduct report with the missing information, then negotiate with the IRS to reduce the amount owed to what her client could reasonably pay. But Regina stumbled upon more than she anticipated.

First, she discovered the original tax return had been fraudulently prepared. The tax return preparer, who primarily spoke English, took advantage of the fact that her client primarily spoke Spanish and began claiming certain deductions and credits on her client’s tax return that he was not entitled to. These

fraudulent alterations ultimately reduced her client’s liability resulting in a higher tax refund. Her client wasn’t even aware that the return preparer was purposefully inflating his return to receive a higher refund. To make matters worse, her client did not receive any portion of his refund that year.

Carlos Rocha, the clinic’s program coordinator and himself a former tax return preparer, explains that “some unscrupulous tax return preparers deliberately inflate the amount of refunds due to the taxpayer. They know that the taxpayers will spread the word about the great result and the preparer will get more business. Then, when the IRS asks for the refund back, with penalties added, the preparer is long gone.” Another typical tactic from unscrupulous return preparers is charging exorbitant fees. Her client had to pay over nine hundred dollars through a system which took her client’s money before he could even see it.

At this point, Regina was faced with several issues, but the most urgent was finding out where the refund went and who had it. Regina talked discreetly to the headquarters of the tax return preparation company, banks, and even the police, anyone who might have information relating to her client. Lynn Rodriguez, a staff attorney in the Family Law & Benefits Clinic, happened to observe some of Regina’s phone conversations with these third parties and says, “Regina was always polite and professional, but she was also relentless – just what a lawyer should be when fighting for her client. I was very impressed.” Bob Probasco, the clinic director, says “Regina is always driven to solve her clients’ problems with the IRS. But when



Regina Palmer-Coleman, '18

she sees a real injustice, she fights even harder.” It wasn’t easy, as her client didn’t have all the necessary information, but Regina was able to see how deep an issue really can be and how creative you must be to solve it.

After countless hours investigating, Regina was able to get a copy of the cancelled check that had been written to her client, figure out where it had been cashed, and confirm that the endorsement wasn’t the same as her client’s signature. She called the Dallas Police Department and provided all new and relevant information relating to the on-going investigation of her client’s missing refund check and has informed the IRS about the clinic’s newly discovered information. “That is very important, because if we persuade the IRS that the tax return preparer stole the check, that might reduce how much my client now owes,” says Regina. “In the clinic, we solve problems and provide ‘access to justice’ for people who can’t afford to pay. But it’s more than that. I can be a tax justice warrior.”

AGGIE ADVOCACY PROGRAM

The Advocacy Program of Texas A&M University School of Law consists of competition teams in moot court (appellate advocacy), mock trial (trial advocacy) and dispute resolution (negotiation, mediation, client counseling). Our competition teams are coached by local attorneys, who teach valuable skills and help students make important networking connections. This past year, we instituted new course requirements that provide students with more structured training. These new courses provide required experiential credit.

In 2017-18, we sent 27 teams to competition in exciting venues like New York City, Chicago, and San Francisco. Competitions are held at state, regional, national, as well as international levels. Regional competitions afford the opportunity to advance to the prestigious national finals, where every competitor is required to place at the top of the regionals. Therefore, national final competitions consist of the “best of the best.” Texas A&M qualified teams to the national finals in all three disciplines of advocacy this year.

Grant Moore ('18) and Kaitlyn Pound



Grant Moore, '18 and Kaitlyn Pound, '19

('19) were the Regional Champions of the ABA Client Counseling Competition in Waco, and then placed in the top four in the nation at the national finals. Kelsey Fahler ('18) Jonathan “Tripp” Jones ('18) Alex Rogers-Campbell ('19) and Enrica Martey ('19) qualified for the national finals of the Thurgood Marshall Mock Trial Competition, hosted by the Black Law Student Association, after Jones captured the Best Advocate award at the Southwest regional. Lorraine Birabil ('19) and Elan Moore ('18) qualified for the national finals of the Frederick Douglass Moot Court Competition, hosted by the Black Law Student Association. This was the second consecutive year that the team excelled in this competition. They won

the Southwest Regional Championship and placed 2nd at the national finals in 2017. That success helped Ms. Moore win the 2018 Award for Excellence in Appellate Advocacy from the Appellate Section of the State Bar of Texas and Texas A&M University School of Law.

The year ended with the highly coveted announcement of the Order of Barristers. Each accredited law school can induct only ten students who represent the school's best in oral and written advocacy. There are always many qualified applicants with experience and success in multiple competitions and who also dedicate time to the Board of Advocates. The recipients receive a medal to wear at graduation and membership in the National Order of Barristers. This year's recipients are: Stephanie Assi, Kelsey Fahler, Elisabeth Fairbanks, Christopher Hamilton, Jessica Holtman, Jonathan “Tripp” Jones, Meredith Livermore, Elan Moore, Grant Moore, and Melissa Cather Rust.

For more information about joining a competition team, please contact Jennifer Ellis at jellis@law.tamu.edu or 817-212-3937.



*Elan Moore, '18
being inducted into
the Order of Barristers.*

Dallas County Exoneree Richard Miles Tells His Story to the students of the Innocence Clinic This Past April

On May 16, 1994, two men stopped at a gas station in Dallas, Texas. As they sat in the car, a black male wearing dark shorts, a white tank top and a floppy hat walked along the driver's side, reached in, shot both men with a nine-millimeter pistol and fled. One victim was killed and the other was severely injured but survived.

Marcus Thurman was at the same gas station when he heard the gunshots and saw a black male running with a gun in his right hand. He said he saw the gunman's face as he went by and that he got in to a white Cadillac to escape.

Thurman said he got into his car and followed the Cadillac while calling 9-1-1 and a description was broadcast over police radio. Thurman said the gunman emerged from the Cadillac and walked away near a car dealership.

Police were dispatched to the area and found Richard Miles near the dealership. Miles was wearing a floppy hat, a white tank top and pants that reach down between the knees and ankles. They drove him to the scene of the shooting where Thurman identified Miles as the gunman.

Miles was put in a photospread as the only member wearing a white tank top, and Thurman again identified him in the photospread too. However, several other witnesses, including the surviving victim, were unable to identify Miles from the photos. Five of them said the gunman was dark-skinned and over six feet tall.

Miles, light-skinned and under six feet tall, denied being involved in the shooting and provided an alibi but was charged with murder and attempted murder. The prosecution relied primarily on Thurman, who identified Miles in the courtroom, and on a trace evidence analyst who testified that she found gunshot residue on Miles's right hand.

Two defense witnesses corroborated Miles's alibi, and Miles testified on his own behalf. He said he was left-handed and had never carried or shot a gun. He said he handled matches, a source of chemicals that mimic gunshot residue, because he smoked.

During closing argument, the

prosecution relied on Thurman's identification, the gunshot residue evidence, and attacked Miles's alibi as concocted, telling the jury that there were "no other suspects."

Miles was convicted and sentenced to 60 years. His appeal was denied.

In 2007, Centurion Ministries, an organization that investigates wrongful convictions, filed a Freedom of Information request with the Dallas Police Department. Among the documents released were two police reports that had never been disclosed to Miles's defense attorney. One report documented an anonymous telephone call made to police a year after the shooting, but three months prior to Miles's trial. A woman said that her ex-boyfriend told her he shot two men near a gas station using a nine-millimeter pistol and that police had arrested the wrong person.

Centurion Ministries also prepared a timeline based on Miles's testimony of his activities that night as well as police and witness accounts. The document showed that Miles was about twelve minutes behind the gunman seen leaving the scene of the shooting. Centurion Ministries contacted A&M adjunct professor Mike Ware. At the time, Professor Ware was the head of the Dallas County District Attorney's Conviction Integrity Unit.

An expert on gunshot residue retained by Miles's attorney provided an affidavit

stating that the prosecution expert at trial overstated the significance of the tests on Miles and that the residue detected was not proof that he had fired a gun. Professor Ware interviewed the forensic expert who had testified for the State. When confronted with the new evidence, the State's expert admitted her error.

A petition for a state writ of habeas corpus was filed on Miles's behalf and the Dallas County District Attorney's Office agreed that police reports had not been turned over to the defense, that they were exculpatory, and that the prosecution would not oppose granting the petition.

Thurman later recanted his in-court identification of Miles to the Conviction Integrity Unit, saying that after he told the trial prosecutor he could not identify Miles, the prosecutor showed him where Miles would be seated before Thurman picked Miles out in front of the jury.

The prosecution's gunshot residue analyst at trial also later provided an affidavit saying she was mistaken, that the residue level she found would be reported as "negative" for gunshot residue.

In 2012, the Texas Court of Criminal Appeals upheld the lower court ruling and found Miles "actually innocent," entitling him to monetary compensation for his time wrongfully imprisoned. Richard Miles now runs a non-profit, Miles of Freedom, that helps ex-offenders get jobs and rejoin the world.



Dallas County Exoneree Richard Miles Spoke to Student in the Innocence Project this Past April

MEET OUR CLINIC STAFF!

Any experienced attorney will tell you that having a good administrative staff makes all the difference in having a successful law practice. The Texas A&M Clinical Program is fortunate to have two talented and experienced administrative professionals who help us with the day-to-day operations of our law firm.

Stephanie Roman, our clinical secretary, is the public face of our clinical program. She greets prospective clients, community partners, and all those who call our clinic. **Stephanie** is instrumental in helping all our clients navigate our law office and her language abilities allow our program to serve Spanish-speaking individuals. She has worked in our clinics for approximately seven years and reports that her favorite thing about working in

the clinic is “helping those in the community who couldn’t otherwise afford representation.”

Lisa Smith, our clinic paralegal, has worked in our clinics for twelve and a half years. While she has more of a behind-the-scenes role, she also helps out by answering calls. In her role as a paralegal, **Lisa** assists clinics in organizing their documents, record keeping, and in ensuring conflicts are checked across our program. Her favorite part of the work is assisting indigent clients who “if it weren’t for the clinic, they might not get help elsewhere.”

Lisa and **Stephanie** play critical roles in putting clients at ease as they seek solutions to their legal issues. However,



they are also great resources to law students who have to understand law office management protocol to work in the clinic. Law students go to them to schedule meeting rooms, client parking, and address other logistical questions that are critical to the clinical experience. We encourage you to get to know **Stephanie** and **Lisa** since they have as much to teach you about working with clients as your clinical supervisors.

Wills and Estates Clinic

One of the foremost issues in the area of estate planning and probate is the lack of preparation of the general public. Approximately 60% of Americans lack a will. The procedures to transfer property after death are significantly more complicated and require an increased amount of already scarce judicial resources. Even fewer Americans have planned for incapacity, which further increases the courts caseload. Simple estate planning can go a long way towards preventing these issues, freeing up resources to concentrate on more complex matters, and decreasing costs for surviving families.

The Wills and Estates Clinic aims to alleviate some of this need by preparing simple estate plans for older adults in the Fort Worth community who could not otherwise afford such planning. Law Students help individuals, determine where they would want their property to go at their deaths, and choose who should oversee that transfer of wealth. In addition, we broach the difficult topic of incapacity. No one wants to think about the possibility of disability, but for many of us, it is an eventuality. Our clinic prepares advance directives that cover both the financial and medical aspects of a client’s life. In

addition, we hope that we inspire our clients to have difficult conversations with their families. Although not pleasant, these conversations can go a long way towards



preventing hurt feelings, resentment and even future litigation.

Our clinical program had a very successful spring semester. We accepted nine students into the program. Those nine students visited two senior centers and prepared 33 estate plans – an approximate value of \$19,800 of free legal work benefitting some of the Fort Worth community’s most vulnerable older adults. The students frequently encounter interesting stories and situations in their interviews, and learn how to carefully draft a client’s wishes into an effective estate plan. These estate plans include powers of

attorney, which can help prevent a costly guardianship, medical powers of attorney, giving families much needed access to information, and a last will and testament, ensuring a smooth transition after the death of a loved one.

In addition, we added Brook Bell, Public Probate Administrator for Tarrant County, as a professor. Brook gave students a much needed glimpse into the world of probate. As a court staff member, Brook helps the general public with small estate affidavits and other options for the administration of small estates. This can include helping a spouse cash a final paycheck, clearing title to vehicles, gaining access to bank accounts, and even reimbursing the County for burial costs. Our students were able to prepare documents and attend court hearings, which gives them valuable insight and access to the practice of probate.

Going forward, we hope to expand our program to include more time for the students in all facets of our clinic. We feel strongly about not only serving our community, but also want our students to leave our clinic with marketable, real world skills.

(Family continued from page 1)

for their extraordinary volunteer services. They both were awarded the “Special Recognition Award” by LANWT’s Equal Justice Volunteer Program.

In January 2018, the Texas Lawyers for Texas Veterans Tarrant County Chapter awarded the Eagle Service Award to Lynn Rodriguez and the Law Student Volunteer Award to one of our students, Katherine Hawkins ‘18. Texas A&M University President, Michael Young, recognized both Lynn and Katie by sending a personal letter to each of them, thanking them for their dedicated efforts on behalf of our veterans.

The Family & Veterans Advocacy Clinic staff along with our students participate, create or present at numerous outreach events or other continuing legal education (CLE) programs each semester. For example, Karon Rowden, as advisor for the law school’s Family Law Student Association, set up a collaboration with them and the local bar in October 2017 to present a full-day family violence awareness CLE event at the law school. She also supervised clinic students through two presentations regarding protective orders, to the residents of the Center for Transforming Lives and at Gatehouse.

In fall 2017, Lynn Rodriguez supervised students from the Hispanic Law Student Association as they presented a Family Planning Clinic for various immigrants and their families who attended the presentation. Karon also supervised one of her students in similar outreach

presentations for the Tarrant County Community Health Fair and presented the same at an outreach event for the Mexican Consulate. Lynn established an outreach annual veteran’s day clinic aimed at homeless veterans and coordinated a Military Law / Veterans Law CLE event in November to help educate the local bar on veterans’ issues.

Lynn and Karon also involve students in all their outreach efforts. They attend and participate in the Tarrant County Bar Legal Lines, in the Tarrant County Chapter of the Texas Lawyers for Texas Veterans (TLTV) outreach events, in the Tarrant County Family Law Bar Association CLE luncheons, and Judge Harris’ Long Lunch Thursdays CLE. These activities provide excellent learning experiences for the students plus an opportunity to network with the local bar.

One heart-warming example of a case our students have worked on is the one of Mr. Fogarty:

Mr. Fogarty, a Vietnam War era veteran, and his wife had been raising their 14-year-old grandson, W, for over two years. In 2016, they decided to modify the existing custody order to seek primary custody of W. The Fogartys did not have extra money to hire a lawyer since their only income is social security. The mother and father of the child did not financially support W, nor did they visit regularly. The mother’s home was a violent one and the child’s father was homeless.

After hearing the Fogartys’ plight, our clinic’s Veterans Project decided to take the case to help this great couple gain legal custody.

The child’s life was loving, stable and secure with his grandparents. Occasionally, W’s mother would threaten to take the child back to live at her house if she was upset with the Fogartys. The Fogartys wanted to adopt him W but W’s mother would not agree. The Fogartys decided to fight for custody. The Family and Veterans Advocacy Clinic was more than ready to help.

This spring, Callie Dodson ‘18, under Lynn’s supervision, drafted all documents for the termination of parental rights and the adoption. Soon after W’s parents were served with the modification documents, they decided to voluntarily relinquish their parental rights. After years of being afraid that his mother and stepfather would take him from his grandparents, W was finally adopted. The Fogartys and W were very happy. Callie gained valuable trial experience and the Fogartys gained a son through this experience.

This month W enrolled in the Texas Academy of Mathematics and Science (TAMS) program at UNT. W has a 4.2 grade point average and credits the Fogartys for his success. They are extremely proud that he is now their son.



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