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Our Own Small (Mid-Size) (Growing) Law Firm

The significant news of the past few years in the Pitt Clinical Program is our clinic space on the 5th floor of Sennott Square, the new University building that is across South Bouquet Street from the Law School. From the windows in my new office, I see the snow-covered roofs of South Oakland, the Panther Hollow Bridge and Schenley Park. It is a very pleasant building, with the smell of Panera bread and coffee constantly wafting through the floors from the restaurant below. It does not feel like the Law School any more, but rather more like an office building for our clinics. When we were all housed in separate offices in the Law School, it was easy to think of each clinic as "on its own" with little interaction among students and faculty unless it was scheduled. Now, in our new space, we are naturally rubbing shoulders and ideas with each other. And, it is increasingly clear that this new space is really a wonderful thing.

Today, Martha Mannix calculated that we will need to arrange for fifty-three (53) students to be able to swipe their Pitt IDs to gain entrance to the Clinics. Who are these students? How did we grow so large? We have the three traditional Civil Practice (formerly known as the Family Support Legal Clinic) Clinic, with both the clinical classes and extension students and research assistants. These are the Disability Discrimination and related Matters Clinic, Elder Law Clinic and Health Law Clinic, supervised respectively and respectfully by Professors Karen Engro, Martha Mannix, and me. Then, there is the Environmental Law Clinic with Professor Thomas Buchele. The Low Income Taxpayer Clinic students, under the supervision of adjunct Dixon Rich, Esq., also work out of this space. Finally, the newest endeavor is the group of students who are working with Professor Harry Gruener, serving Clients with Family Law

needs. We are hopeful of starting a Community Development Clinic in the near future which will offer opportunities to students who want to develop skills in transactional lawyering areas.

Service of clients has improved also. We have a reception area in which clients can wait prior to their appointments. Students take turns doing phone intake at our reception desk every day. More computers are available for students' use, although we are hoping for more. We also have a roomy conference and library area.

We wanted our alumni to know that the clinics are in good shape and that students continue to be launched into lawyering through their clinic experience. Clients are being served well. While it gets quite hectic and noisy at times with all of the people working in the clinics, bottom-line, work is more efficient and cooperatively beneficial. Come to visit!

by Stella Smetanka

Clinic Student Wins Award

In the Spring Semester of 2002, I enrolled in the Disability Law Clinic. Beginning the semester I had no idea what to expect from working in a Clinic. By the end of the semester I realized it was the most beneficial class I had taken thus far in my law school career. Not only did I get a taste of what it really was like to practice law,

but I also got a taste of the satisfaction that the practice of law can bring.

During the semester, myself and my partner Jen Rea, who has since graduated, were assigned a case in which we had to terminate the parental rights of a man whose whereabouts were unknown so that

the stepfather of a child could adopt her before her mother passed away from AIDS. Throughout the semester Jen and I held strong to our goal to complete the termination of parental rights and adoption before the semester ended due to the fact that our client's health was failing at a fast rate.

(Continued on page 3)

Tales From Arbitration

Since the Fall of 2000, students in the Disability Discrimination and Related Matters (emphasis on *related*) section of the Civil Practice Clinic have been representing parties at arbitration hearings in the Court of Common Pleas for Allegheny County. The nation's first court-annexed arbitration program began by court rule in 1952 right here in Pittsburgh, PA. Any civil case filed in Allegheny County alleging damages of less than \$25,000 is automatically placed in arbitration. When such a complaint is filed a hearing date is assigned, usually within three months of the filing date. Prothonotary Michael

Lamb and his staff provide a list of all cases scheduled during the semester wherein one or more party is proceeding *pro se*. Students receive instruction on court procedures and use of the on-line docketing system and, after reviewing case files and doing conflict checks, write to potential parties offering to represent the party at hearing if the party meets the Clinic's income guidelines.

During the past five semesters, students have gained experience in a variety of procedural and substantive issues such as standing, drafting and amending complaints, default judgments, filing in

forma pauperis, breach of contract and feline immunodeficiency virus (FIV) for clients with a variety of mental and physical impairments. Students also have the opportunity to use their trial skills including presenting opening statements, conducting direct and cross examination of witnesses and making closing arguments. Instant results are a hallmark of the process; a decision is rendered by the panel of arbitrators immediately following the hearing so that the student lawyers know the outcome the same day. Case closed!

by Karen Engro

Elder Clinic News

In October 2002, the Law School dedicated the "Sikov Elder Law Clinic." The dedication was in recognition of the three generations of the Sikov Family who have attended the Law School - Meyer Sikov, Law '17, Seymour Sikov, Law '50 and Carol Sikov Gross, Law '84 - and their generous support of the clinical program.

The Elder Law Clinic had a busy 2002. Twenty students, plus two invaluable summer research assistants, continued the clinic's representation of elderly individuals and their families. While continuing to represent individuals in adult guardianship cases, the Clinic has also branched out to assist "parenting grandparents" obtain guardianship of minor grandchildren in their care. Such guardianship permits the grandparents to enroll the minors in school district

where they reside, to apply for government benefits and to make any needed medical decisions on behalf of the minor.

The Clinic also does a substantial amount of counseling in the area of Medical Assistance eligibility for nursing home care. With increasing publicity and knowledge about the Commonwealth's Estate Recovery program, the clinic is receiving a number of calls from individuals seeking to transfer homes to family members prior to needing nursing home care. Students spend substantial amounts of time counseling these individuals about the pros and cons of such a course of action and its implications for Medical Assistance eligibility.

The Clinic (in conjunction with the Disability Discrimination Clinic) has also

continued to work with the Family Trust of Achieva to educate the students about supplemental and special needs trusts and the pooled trust services available through the Family Trust. Where appropriate, Achieva has referred potential clients to the Clinic for simple estate planning. As Tim Pawol, Director of the Family Trust points out, the availability of pooled trust arrangements for individuals with limited assets allows that individual to preserve Medical Assistance eligibility and, at the same time, allows that individual a higher quality of life due to the availability of "extras" that he otherwise could not afford.

by Martha Mannix

Clinic Faculty Welcome Alums to Open House

On December 10, 2002, Professors Mannix, Engro, Buchele and Smetanka hosted an Open House in the new clinic quarters for alumni of the clinic. We were thrilled to reunite with about thirty of you who ventured to Oakland to see the new space. Thanks to Leslie Boyer and the Alumni Office for providing the refreshments! See the photos for familiar faces!



Leslie Boyer & Eunice Whitted '00



Sandy Miller '01, Meredith Shackelford '01 & Patrick Webster '01

Health Law Clinic Students Present Case Study to Medical Students

Extension students, Neysha Sanders and Padmini Menu, of the Health Law Clinic appeared at the Community Health Forum of the University of Pittsburgh Medical School on January 30, 2003, to discuss disability benefits in the context of one of their cases from the Fall Semester. They held their audience spellbound as they shared their initial frustration with the case and how some very creative choices led them to find the correct theory and the evidence to support it in the problematic case. Padmini spoke about posting herself in the waiting room of the client's treating psychiatrist and confronting him (gently) in the hall when he almost left without seeing her. She was successful in getting very positive information from him for the case. Neysha spoke about going to the half-way house where the client was living and spending almost a whole day with her, thereby getting a feeling for how struc-

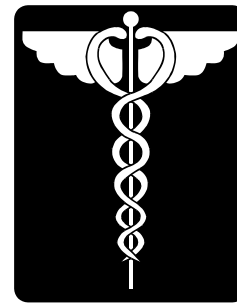


tured and supported the client's life was at that facility. It became clear that without those supports, the client would not be able to function.

It was interesting to me to hear them admit that when they are practicing lawyers, they know they will not have time to put such options to work, but at least in this case, their creative ideas made the difference in both how they approached the case and the evidence

that ultimately persuaded the judge to grant their client benefits. The medical students would not let them leave; they peppered them with questions. It may have been the case study format with which they related, or it was most probably the enthusiastic and compassionate way in which Padmini and Neysha spoke of their experience. Take time to savor good results.

by Stella Smetanka



Clinic Student Wins Award (cont.)

(Continued from page 1)

Through the help of a very understanding Washington County Judge and numerous others, who facilitated our learning of exactly what procedures we must follow to accomplish the tasks at hand, we completed the adoption a couple days after the semester ended. Our client was in the hospital at that time and not expected to make it. However, she has since pulled herself out of the woods and is still trucking away.

In the Fall semester of the following year I found out that my Clinic Professor, Karen Engro, nominated me for the ACBA Pro Bono Law Student of the year award and I in fact was chosen. The Clinic enabled me to get this award because of the substantive and important legal work the students are given. The award was just the icing on the cake of a very rewarding semester.

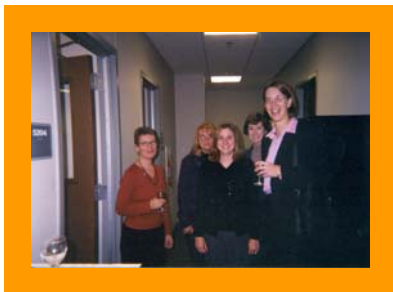
by Patrice Wade



Patrice Wade with her parents and Matthew Ometz of the AIDS Task Force

First Annual CLEA Award to Clinical Student

At the class of 2002's graduation ceremony last May, class member Natalie D'Amora received the first annual Clinical Legal Education Association (CLEA) Award for outstanding work as a clinical student. Natalie participated in the Environmental Law Clinic during the Spring of 2001, the first semester of the Environmental Law Clinic and by this award was recognized for her dedication and responsibility on behalf of her clients.



Another picture from Open House. Prof. Martha Mannix, Karen Berg '95, Mrs. Barkman & Kate Barkman '96



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Alumni News

I moved to Williamsport, PA shortly after the July, 2001 bar exam to begin my career with a small general practice firm as one of eleven attorneys. Since then, my time has been equally divided between medical malpractice defense litigation and corporate liability defense litigation. I also occasionally work representing municipalities, school districts, and fire departments.

The Pitt Law School Clinics were instrumental in making my decision to become a litigator. No other law school experience offers the real life, hands on experience that is so valuable in deciding what area of the law a soon-to-be attorney wants to pursue as a career. It is so difficult to decide what subject area is interesting enough to commit to for a career from the material extracted from a law school textbook.

I entered law school in hopes of becoming a transactional lawyer, went through the health law certificate program with all intentions of working for a health law firm or health care provider, but discovered while I was working with the Health Law Clinic that I really enjoyed being a litigator. (It didn't hurt that two local judges insisted that I pursue a career in litigation after I appeared before them on clinic matters.)

My short career to date has been extremely rewarding. I have been exposed to a variety of different subject matters, and in the process, I have learned a lot about medicine, engineering, product design and safety, architecture, zoning, police and fire departments, and others. I still hope to specialize in health care litigation some day, but once I decided to be a litigator in my third year of law school, I never looked back.

Brian J. Bluth, Esq., Health Law Clinic Class of 2001

Yolanda Trotman, Elder Law Clinic Class of 2002, has relocated to Charlotte, NC. She is working in the Public Defender's office and describes the experience, as follows:

"As for my job ... it's awesome. I truly love working the Public Defender's office. I never in a million years thought I would end up doing this kind of work, but it definitely suits me. It's fast paced, I get to really dig deep on issues and think on my feet. My cases are my own that I have from start to finish. I do misdemeanors ... from an open container violation to assaults and DWI's. I have tried several cases, all bench trials for now. But I just got assigned my first appeal which will be in Superior Court in front of a jury. It's a minor change, but can shape up to be a complex case because it centers around time frame and mistaken identity. I have responsibility for the entire case from arraignment to trial"

WRITE AND TELL US ABOUT YOU!

We would love to know how you are doing — significant and not-so-significant events, job changes, pro bono activities, etc.

Email us at cpc@law.pitt.edu