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**Clinic Faculty and Staff**

- Martha Mannix  
Elder Law Clinic
- Stella Smetanka  
Health Law Clinic
- Thomas Buchele  
Environmental Law Clinic
- Harry Gruener  
Family Law Clinic
- Daniel Friedson  
Community Economic  
Development Clinic
- Dixon Rich  
Low Income Tax Clinic
- Jane LeHew  
Clinic Administrator
- Nadine Hamlett  
Clinic Administrator

## Environmental Law Clinic

By Professor Tom Buchele

The Environmental Law Clinic is perhaps best known for representing individuals or groups who oppose certain environmentally harmful actions by government agencies or private actors. In those matters the Clinic is almost always representing clients who are plaintiffs or potential plaintiffs. But the Clinic also represents defendants as clients so long as those defen-

dants satisfy the Clinic's written guidelines for case selection. Examples of such matters are situations where the state Department of Environmental Protection ("DEP") is seeking to take an enforcement action against an individual who cannot afford a private attorney. The Clinic in fact took on its first defendant-client several years ago and is pleased to

report that this matter was just favorably resolved this fall. Merl Hoffman approached the Clinic in June of 2003, seeking representation in a proceeding before the Commonwealth Court where the DEP was attempting to have Mr. Hoffman declared in contempt of an order that the DEP obtained against him at a time

*(Continued on page 3)*

## Dean Crossley Announces an Exciting Success for the CED Clinic

Last year, then-Deputy Mayor (and Pitt Law grad) Yarone Zober and Chancellor Nordenberg conducted a "blitz" of the Oakland area for housing code violations, an experience that led to discussions about

how students at Pitt Law might be involved in the City's stepped-up efforts to reduce housing blight in Oakland. This past fall Professors Dave Herring and Dan Friedson put together a proposal for the

CED Clinic to partner with the City Solicitor's Office to pursue blight reduction in the campus community of Oakland. In early February, Dean Crossley received a letter from

*(Continued on page 6)*

## Elder Clinic

By Professor Martha Mannix

As one of the students in the Elder Clinic stated this spring, "There are no easy cases. The case may look easy from the intake sheet, but once you start to delve into the situation, it's never as easy as it looks." A small estate case handled by the clinic illustrates this.

In the spring of 2004, the Clinic was contacted by a woman who wanted to settle a small estate. Easy enough, it

seemed. Normally this type of case can be handled in a semester, maybe two. The procedure is clearly set out in the PEF Code and local Orphans' Court rules. So, with this little bit of information, starting in the spring 2004 semester, students in the Elder Law Clinic began to represent the woman, the niece of the decedent. The niece wanted to settle the estate of her aunt, but over the years had consulted several attorneys who

had told her that the issues in the case were too time consuming and the amount in the estate too small to warrant their taking the case.

The aunt died in 1986 leaving a small estate and a copy of a holographic will. The original of the will could not be located. The niece was suspicious of her relatives' claims that they did not have the will,

*(Continued on page 2)*

# Taxpayers and Clinic Work

By Paige Forster, 3L

The Low Income Tax Clinic (LITC) serves about fifty clients at any given time. Students do not prepare routine tax returns, but they help taxpayers who have problems with the IRS.

Currently, the Tax Clinic is working with a client whose mortgage was foreclosed in 2005. The client is trying to get his affairs in order, but was confused when he received a letter from the IRS stating that he owes several thousand dollars in taxes because of the foreclosure. He thought that since he did not receive any of the money when his home was sold at sheriff's sale, there was no way he could owe taxes.

The Tax Clinic gave the client a bad news-good news scenario. The bad news is that when a taxpayer is relieved of debt, such as after a mortgage foreclosure, the IRS counts the canceled debt as income. The good news is that

if the taxpayer was insolvent at the time of the foreclosure, the taxable income may be reduced or eliminated.

The student assisting this client researched section 108 of the tax code, reviewed the applicable IRS form, and explained the concept of cancellation of debt income to the client. The student is now in the process of helping the client document his insolvency. The client will need to gather extensive documentation showing all his assets and liabilities as of the day before foreclosure. When the client has done so, the student will help him demonstrate to the IRS that his cancellation of debt income should be reduced.

There were seven students in the LITC during the Fall 2006 semester, and each helped several clients with IRS problems. The LITC provides excellent practical experience in representing a client's interests before a federal



Paige Forster with Teddy, her clinic companion over the Fall '06 Semester

agency, ensuring that the tax code is fairly applied to each client's situation. In the Spring Semester, eleven students are enrolled. It must be a busy season for taxes.

## Elder Clinic (cont.)

*(Continued from page 1)*

believing that they were unhappy with the disposition made in the will. The niece had acted as her aunt's Power of Attorney prior to the aunt's death, and this caused conflict with relatives who were unhappy that the aunt had been placed in a nursing home. There were numerous intestate heirs, some

of whom lived abroad, and many of whom had ill feelings towards one another and towards our client. Our client did not have current addresses for many of the heirs and family members were uncooperative in providing current contact information.

Over the course of five semesters and two summers, clinic students worked

to settle this estate, pending numerous hours in fact investigation as well as legal research. Over the course of these two years, students had to locate heirs (some of whom lived overseas), attempt to locate an original of a purported holographic will (of which we had a copy), research legal issues relating to missing

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## First-Year Law Students in the Clinic?

By Professor Stella Smetanka

Anyone who has enrolled in our clinics knows that in order to be certified by the Pennsylvania Supreme Court a law student must complete three semesters of law school. And in the Western District, the requirement is four semesters, which we are hoping will be changed soon, by the way. Last Spring, on the encouragement of Dean Crossley, I wrote a proposal for a small grant to the Pennsylvania Bar Association for a new initiative aimed at involving first-year law students in the work of the Civil Practice Clinics, that is, Health and Elder Law. Happily, it was granted and in the Fall semester we began our new program and we are continuing it into the Spring semester.

These students have been accepted in to the L.E.A.D. (Learning, Educating, Advocating for the Disabled) Program: Kelie Cummins, Chantelle Raub, Shalin Sood, James Quinn, Patrick Emery, Lara Swanson, Rob Utter, Stephanie Liaw, and Aaron Goldstein. We welcomed

them as they joined the enrolled clinic students in providing legal services for the elderly and disabled. An orientation session was held on October 6, at which time Professors Smetanka and Mannix and Clinical Psychologist Fay Wanetick explained what opportunities were currently open for them. As so much of our work involves serving clients who are afflicted with a mental impairment, Fay's problem solving ideas in working with this challenging population are essential. She has been working with the clinics since 2003 and we were happy to invite her to this new project. Several enrolled students were also present at the orientation.

Two of the first-year students were American Sign Language interpreters and already helped Johanna Rehkamp, 3L, as she prepared her client for a hearing. Kelie Cummins and Patrick Emery translated for Johanna as she interviewed the client and it was only because of them that the interview

even occurred. Other first-year opportunities included more client interviews in various venues and at diverse stages of cases, visits to client homes to procure necessary signatures on releases, review of medical records in anticipation of hearings, and attendance at hearings with enrolled students. We were open to any and all ways that these enthusiastic new law students can assist with client cases.

The purpose of the L.E.A.D. program is to assist law students to become more aware of the legal issues faced by individuals in their disability community and to increase the interest and involvement of future lawyers in the field of disability law. All of the new first-year students have demonstrated prior experience with the disabled or an interest in working with them. So, we are excited for the chance to implement this important purpose and to enrich our clinic services at the same time.

## News from the Family Law Clinic

By Professor Harry Gruener

During the last academic year the Pitt Family Law Clinic students assisted over 500 litigants through the Family Court's Pro Se program. The Pro Se program exists to serve the legal needs of indigent citizens of Allegheny County with custody, child support, paternity and other related family problems. The program is operated by the Court of Common Pleas of Allegheny County, Family Division and the Pitt Law Clinic has been proud to be included in the program. The students experienced many successes (and some failures, litigation being what it is) last year in the clinic work from increasing child support paid to support dependent children, to providing legal services that led to increased access of non-custodial parents to their children and to assisting alleged parents in determining their parenthood by genetic testing. In gratitude, the Judges of the Family Division

hosted an end of year reception of the clinic students where the students were honored for their good work.

Fall, 2006 has started where the Clinic left off at the end of the last term. Many internal changes occurred in the Family Court generally and the Pro Se program specifically over the summer that has had a substantial impact on the how the clinic operates. The changes are continuing as the students try to settle in to a new semester and master the new procedures. Students continue to interview clients, prepare the necessary pleadings and appear in court on behalf of the litigants. In addition the first semester clinic students have a two hour class each week and the entire clinic has a "firm" meeting each week to review the cases, present assigned research projects and generally review any newly created court procedures.

Although the students work on many types of cases, one particular subset of cases has garnered extra attention this semester. In late August the Supreme Court of Pennsylvania decided that the statutes that govern the rights of grandparents to custody of their grandchildren is constitutional. This case represented the first constitutional challenge to Pennsylvania's Grandparent Visitation Statute since the Supreme Court of the United States decided *Troxel v. Grandville*, a case that invalidated, as applied, the Washington State's Grandparents Visitation Statute. The case has provoked lively discussion of the most controversial issue in clinic and has a direct application to the work we do with grandparents seeking custody and parents who are opposing those efforts. The tension that exists between a

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## Family Law Clinic Inspires International Legal Education Initiatives

By Professor Stella Smetanka

On January 26-27, 2007, the Center for International Legal Education, under director Professor Ronald A. Brand, hosted a roundtable on the Export of Legal Education. Twelve LLM graduates came back to Pitt Law School from their respective countries to report on how their LLM experience here has affected their careers upon their reentry to life at home. Professor Harry Gruener welcomed one of these LLM graduates into his Family Law Clinic during her year here and these are her own words about how this experience has affected her work in Serbia. Her name is Jelena Arsic.

While I was an LLM student in Pittsburgh, I realized that as a law student there is so much more that one can do within the clinic and that is why I became involved in the University of Pittsburgh School of Law Family Law Clinic. I had the opportunity to provide a wide range of legal services, from drafting legal documents to representing clients before the Allegheny County Court of Common Pleas. The Pitt Family Law Clinic was like a small law firm and, as such, a real challenge for any law student. What I learned there was probably the most valuable knowledge that a law student can get. Keeping that in mind, I am now looking forward to the

beginning of the next semester when I am hoping to establish the first legal clinic in my law school comparable to the Family Law Clinic at Pitt Law. In this clinic, students will have the opportunity to work with real people and to learn from experience. They will have the opportunity to apply legal rules in real cases and to become aware of their own responsibility toward clients, courts and the legal profession. And I have no doubts that students will enjoy working in that clinic while learning and developing their legal practice skills and helping indigent citizens with their legal problems.

## Environmental Law Clinic (cont.)

*(Continued from page 1)*

when he did not have legal representation. In particular the DEP insisted that Mr. Hoffman was operating a landfill without a permit, had ignored an order to clean up the site and wanted him to pay thousands of dollars in fines. Although it did not look like Mr. Hoffman's property presented the kind of environmental threat that would justify the DEP's efforts against him, it was clear from the pleadings that this was a serious matter for him and he was in great need of legal representation. The

Clinic agreed to represent him even though it had less than two weeks to prepare for a previously-scheduled hearing in Harrisburg. Thus began a three year legal odyssey that, while providing the clinic students with excellent opportunities for gaining legal experience, was also extremely frustrating at times for both the client and his certified student legal interns.

In the end the result was a victory both for Mr. Hoffman and for the environment. The students successfully negoti-

ated a consent decree with the DEP that gave Mr. Hoffman the time he needed to clean up his property and did not require him to pay any fines. Thus the property is now cleaned up and Mr. Hoffman has avoided any finding of contempt and the civil penalties that might have accompanied such a finding. While it won't make the evening news, this is just the kind of matter and outcome that underscores the need for an environmental law clinic here in Western Pennsylvania.

# “Listening” to My Client

By Navin Bhutani, 3L

Several months ago I began a special case with a client of the Elder Law Clinic at the University of Pittsburgh. She had been referred to the clinic by her niece, a caring young woman who wanted to help her aunt get the legal representation that she desperately needed. To briefly summarize the facts, twenty years ago our client was injured in a car accident and suffered injuries so severe that she had to be put on life support. Although she recovered from most of her injuries, our client was never able to walk or speak again.

As one would suspect, there were several legal concerns that arose immediately following the accident. One such concern involved our client’s ability to make informed decisions regarding her healthcare and financial needs. Unfortunately, a family member took advantage of the situation, obtaining a power of attorney while our client was under heavy medication and subsequently abusing the power for personal gain.

This power of attorney was legally revoked shortly after the abuse was exposed, but despite legal advice to the contrary, our client had failed to give the power to any other trusted individual.

When our client’s niece called the clinic, she explained that the client was unable to communicate on the phone but now wanted to grant a power of attorney to our client’s niece’s husband. After speaking with him on the phone, it became clear to me that he was very involved in our client’s care, and was unlikely to abuse this power.

When I met with the client at a local community center in September, I was amazed both by her great sense of humor and her ability to communicate via a device that would “speak” the words she typed. The purpose of this initial meeting was twofold; first, to gauge our client’s competency level and ensure she was capable of granting a

power of attorney, and second, to ensure that granting this power of attorney to her niece’s husband was truly her decision. After asking a series of questions it was apparent that our client was fully capable of making this decision and had made this decision without any outside pressure.

After talking with Professor Martha Mannix to address any legal issues I may have missed, I drafted the documents and met with the client to ensure it met her needs. It did, and within a few weeks the documents were executed. Our client received the legal attention that she needed, and I gained legal experience that will be critical to my future success. Most importantly, I met a wonderful woman that reminded me why I have worked for non-profit organizations for the past eighteen months!



## Thank You to Judge Livingstone M. Johnson from the Health Law Clinic

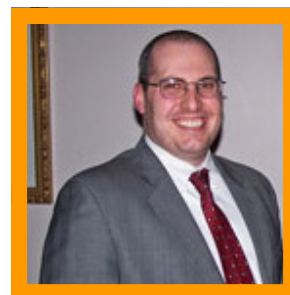
Judge Livingstone M. Johnson has presided over five Health Law Clinic mock trials over the years. We thank him and wish him well as his retirement from the Court of Common Pleas of Allegheny County approaches in 2007.

## Brian Bluth, Pitt Law '00: Equal Access to Justice Awardee

By Professor Stella Smetanka

In awarding Brian Bluth Lycoming County, Pennsylvania’s 2006 Equal Access to Justice Award recently, this was said of him: “We can’t be sure if he just gets the cases that require more research and litigation or if it is his issue-spotting that brings them to light. In addition to litigating issues arising out of his PFAs, this recipient goes beyond second hearing representation in virtu-

ally all cases. Clients and the shelter report that he calls to check on clients after the hearings .... He keeps abreast of any developments in the law, and shares those with the staff for distribution to other advocates.” That sounds very much like the way Brian approached his clients in the Health Law Clinic back in the Fall of 1999. Pitt Law School is proud of you, Brian! Keep up the good work!



Brian Bluth wins 2006 Equal Access to Justice Award

## Caring About and Representing My Client

By Amie Schaadt, 3L

As soon as I picked up the telephone, I knew something was wrong. Her speech was slurred and I had difficulty understanding what she was trying to tell me. Finally, I understood. She had been sent to the hospital emergency room the night before when her multiple sclerosis flared up and she lost all feeling in the right side of her body. She was going to be in the hospital all week for observation and physical therapy, and wanted me to know. Actually, she confided in me, I was the first person she called. I told her to focus on getting better and I would take care of all the legal issues.

As I sat back at my computer to fill out forms for the release of her medical records, my mind drifted back to the day I interviewed her. She had walked

into the office, a younger woman with a bright smile on her face, but in obvious pain. She was immaculately dressed, hair perfectly done, and a matching scarf wrapped around the top of the can she carried. The interview was not a normal question-and-answer period; we ended up talking at length about her life before and after her diagnosis. She had been a happy mother and wife, working full-time and caring for two young daughters. Since her diagnosis, she has not worked. She depends on her mother, husband, and daughters for most of the housework. She does not drive much, and she must take people with her when she leaves the house in case she falls. Before she even said it, I could tell how frustrated she had become with her situation. There are days, she admitted, where she cannot

even get out of bed because her pain is so bad. "It might sound strange," she confided, "but all I want is to be able to do the laundry without help and without pain."

As a younger woman myself, I immediately found myself identifying with her. I have heard that one of the biggest mistakes that a new lawyer will make is getting too emotionally caught up in a case. But how can someone manage cases like this without getting emotionally caught up? I believe that to be successful in representing clients, especially disability cases, the lawyer must care about the client and his or her situation. The challenge is to care about the client, while still keeping a level head in doing the legal work in the Health Law Clinic.

## Helen Shaffer Winner of the CLEA Outstanding Clinician Award 2005-06

By Professor Daniel Friedson

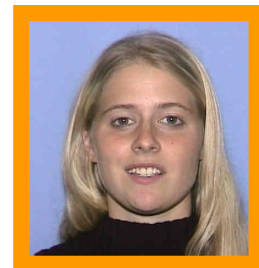
Helen Shaffer won the CLEA Outstanding Clinician Award 2005-06 because her field work, in a word, is diligent and competent. She has the ability to take on a project and finish it with minimal direction. Helen's overall productivity quadruples her peers'.

However, her field work was especially defined this year by a very unruly client. Without breaching confidentiality, let's just say she had a client who was once very prominent in the community—who had access to politicians and judges, etc. This client, on the first interview, maintained an inappropriate

dialogue with the student in terms of both religion and gender. Helen handled the client like she had been a professional lawyer for years. She acknowledged her discomfort and what her role was in relation to the client's case and moved forward. At one time in the course of the year, this client came up in our case-rounds as one we should perhaps drop. The students did not perceive his sincerity in accomplishing his case's mission. We developed a list of points as to how we were at an impasse with this client. We were prepared to execute a disengagement let-

ter. Helen took our feedback, and developed a letter that simply stated this is what you need to do and when in order for us to continue representation and be in compliance with our ethical duties—and it worked! In addition to this handful, she also had an extremely complex title case to manage with several heirs and a rather sloppy legacy instrument to interpret.

*(Continued on page 6)*



**Helen Shaffer '06**

## Elder Clinic (cont.)

*(Continued from page 2)*  
wills, negotiate the settlement of the Pennsylvania inheritance tax, provide to two disgruntled heirs an accounting of our client's actions as Agent/Attorney in Fact, locate the successor to a nursing home that potentially had a claim against the estate (the nursing home had been out of business for approximately 10 years), draft a petition, and respond to the objections of two disgruntled heirs to the proposed distribution. As importantly, the students each

had to be aware of, and learn to cope with, the emotional issues that presented themselves as various family members were contacted for assistance.

This case culminated in the Spring 2006 semester with the presentation of the petition before the Orphans' Court. The students spent hours in preparation, anticipating that it would be contested and was ready to address any objections, but of course, the objector

failed to appear! The Court granted the petition and over the summer of 2006, students proceeded to distribute the funds in the estate and obtain Receipts and Release.

After two years, this case is completed and represents a successful outcome for the client and two years worth of valuable learning experiences for our students.



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## Good Work Katy!

Katy McKee, a student in the Elder Law Clinic in the Fall '06 semester, was awarded the 2005 Allegheny County Bar Association Pro Bono Award for her steadfast commitment to public service throughout her college and law school career. She volunteered many hours to help women, seniors and immigrants. We are proud of you, Katy!

## Dean Crossley (cont.)

*(Continued from page 1)*  
the Chancellor's Office confirming its approval of and commitment of significant financial support to this initiative, which will provide clinic students with experience providing advice, education and representation, will allow the School to expand its positive impact on the campus-surrounding community, and will enhance the financial stability of the CED Clinic.

## Alumni News

• Brian Deiderick '99 is the First Assistant Public Defender of Lebanon County, PA • Arla Cahill '96 has been recognized as a Rising Star in New Jersey Monthly Magazine • Gregory Fliszar '01 is an associate at the law firm of Pepper Hamilton in Philadelphia as a member of the firm's corporate and securities practice and health-care service groups; he was named a "Rising Star" in law last year, state-wide • Mark Martini '03 of Robb Leonard Mulvihill, for the second consecutive year, has been named a Pennsylvania Rising Star • From Neysha Sanders '03 "Greetings from Mississippi ... My disability practice is huge and I have only been denied in one case. Thanks." • Michelle Bretzing '04 married William Jacobi in March '06 • Lindsay Fulton Brown '04 practices at Berger & Green in Social Security Law • Patrick Booth '05 is an associate at Burns, White & Hickton • From Shannon Darby '05 "Until the clinic, I knew little about Elder Law and am very grateful for the exposure the clinic provided me. I truly enjoy my day-to-day practice and interaction with clients. It is nice to feel rewarded, both professionally and personally, by my work." Shannon is an associate at Springer Bush & Perry, P.C. as a member of its elder law practice group • David Fudor '05 Law Clerk to The Honorable Kathleen Mulligan, Court of Common Pleas of Allegheny County, Family Division • Robert Ralston '02 is at Houston Harbaugh • Katherine Krazmien '05 Associate in the family law firm of Pollock, Begg, Komar & Glasser, LLC., Frick Building, Pittsburgh, PA • Julie Yarzabinski '05 Associate in the family law firm of Goldberg, Gruener, Gentile, Horoho & Avalli, P.C., Grant Building, Pittsburgh, PA • Katherine Esch Carr '06 and Mark Esposito '06 were married in October '06 and now reside in Maryland where Katherine is clerking for a judge and Mark is in law practice • Erin Farabaugh '06 Associate in the family law firm of Steiner & Blechman, Grant Building, Pittsburgh, PA • Katie Galasso '06 is an associate at Dickie McCamey & Chilcote • Lindsey Gibbs '06 Law Clerk to The Honorable Alan Hertzberg, Court of Common Pleas of Allegheny County, Family Division • Liz Sattler '06 is an Associate at Goehring Rutter & Boehm • New arrivals: Rupa Sikdar Lloyd '00, Romir Sohan • Karen Wells Jackson '99, Lacey Ann, born in October '06 • Raegan McClain '99, Avery born in '03 • Jonathan Will '04, Riley, born in May '06.

## Clinician Award (cont.)

*(Continued from page 5)*

Helen demonstrated exceptional leadership from day one. She volunteered to lead a group of her peers in the development seminar. She also volunteered to help one of her classmates, who is a nontraditional student, to learn how to use a computer in the context

of law practice. Where my patience was exhausted, she had plenty.

The hallmark of Helen's leadership is that she does not appear to need acknowledgement for all her deeds. She was very good about sharing credit and delegating responsibilities on all her team projects.

## News from Family Law Clinic (cont.)

*(Continued from page 3)*

parent's fundamental constitutional right to raise their children as they see fit and the rights of grandparents to interfere with parental visitation and custody decisions promotes passionate debate and probing constitutional analysis by students in the clinic review meetings.

We are looking forward to yet another successful year and we hope to expand

our services by continuing the tradition in having students conduct voluntary custody mediation with parents who are at war, but would rather not take it to court. In the past over 80% of the cases mediated by students resulted in an agreement and has kept the parties out of court. We hope we can continue to explore the outer limits of ADR in family law.

**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](mailto:cpc@law.pitt.edu)