Welcome Professor Vélez-Martínez

Will you tell me a little about the Immigration Law Clinic? The Immigration Clinic will give students experience representing immigrants requesting asylum, facing removal from the United States, and seeking special protection under the Violence Against Women Act. Students will handle cases under attorney supervision and will have a chance to interview clients, write pleadings, appear in Immigration Court, appear before administrative agencies, and manage post-relief issues. Clients may include refugees, immigrant women and children survivors of domestic violence applying to change their status, persons with criminal convictions who seek relief from removal from the United States and other immigrant populations.

How did you become interested in immigration law? I have been interested in immigration law since I was in law school in Puerto Rico. I transferred to the University of Arizona School of Law in Tucson, Arizona to participate in its immigration law clinic. During the summer I worked at an NGO called the Florence Immigrant and Refugee Rights Project in Florence, AZ, a town whose economy was mostly made up of the prison system.

What skills can students hope to gain by participating in the clinic? Clinic students will acquire skills to engage in the practice of law in a multicultural environment. These skills are so important in today’s world. Students will also gain experience with interviewing, trial preparation, legal writing, and trial matters including evidentiary issues and direct examination. Law and Order and other legal shows give the impression that cross examination is where the excitement is, but direct examination is a much more difficult art. In direct examination, the lawyer is like the director behind the scenes of a movie set. You have to create an environment with your questions while following the evidentiary rules that allow you to build testimony that is uninterrupted, precise, coherent, and credible.

Is the clinic working with any local organizations? Yes! We have an agreement with the Jewish Family and Children Services. They are currently the only not-for-profit organization in Pittsburgh offering immigration-related legal services, so they will be giving us court cases related to citizenship and refugee services and we will be working closely with them. This clinic is proof that Pittsburgh is making a conscious effort to make the region more accessible and welcoming to people from all walks of life and we feel fortunate to be a part of that.

You’ve written extensively on domestic violence. What is the relationship between domestic violence and immigration and will the clinic include a domestic violence prevention component? There’s a very interesting and unique relationship between domestic violence and immigration. First of all, when you look at the demography of immigrants on a global level, women are now the primary population. We call this the “feminization of immigration.” Immigrant women are particularly vulnerable to violence because current immigration law is structured in such a way that makes women dependent on their spouses. Societies have traditionally marginalized women, so women are more isolated than men from employment, social programs, etc. Law enforcement and social services do not have the right tools to handle these issues, and women are often afraid to go to them for fear of deportation.

What is missing in the Arizona debate is how the climate created by the new legislation burdens women. The images we see in the media are often men waiting for their ride, working, or heading home from work. But the burdens for women are different. Women take their children to school, to social services, to the doctor. Will the fear of driving prevent women from going to the doctor to get their children vaccinated? Will they be afraid to go to school events? Will they be afraid to report crime? These are issues we should be addressing.

Part of the clinic will be helping clients who are seeking protection under the Violence Against Women Act, so students will be exposed to a very direct link between domestic violence and immigration.

What do you hope students will gain by participating in the clinic? Working in immigration law has changed my life, and it can change the way you look at the world. This is an opportunity to see the world from a different perspective and to walk in the shoes of someone so different and so foreign from you and yet surprisingly similar.

Prof. Vélez-Martínez comes to us from the faculty of Eugenio Maria de Hostos Law School in Mayaguez, Puerto Rico where she served as Director of the Immigration Clinic.
Family Law Clinic Roundup

by Professor Harry Gruener

The Family Law Clinic had a banner year. Between October 2009 and April 2010 the clinic students interviewed 594 pro se clients, far exceeding the 337 they interviewed in the prior academic year.

In that same time period the students argued over 80 motions before family law judges, also a record. The clinic also continued to refine the technology necessary to continue to provide the court with typed instead of hand written motions.

This past year some of the most innovative technical support came from within the clinic ranks. One student developed an ingenious method of improving the system, and all of the judges will continue to see the results of our over three year project to develop a high quality computer formatting of all of the pleadings.

On the substantive side, the clinic continued to strive to provide the court with first rate legal work. When possible, the clinic students included relevant case law and statutes in their pleadings and focused on fully developing the facts as alleged by the clients. The students also worked hard to prepare their arguments and hone their advocacy skills to give the clients the best chance to prevail in court.

In November 2009 the clinic students were recognized by a feature article published in the City Paper detailing their work. The Family Law Clinic was also chosen along with four other law school family law clinics to be featured in a 2011 article to appear in a respected national family law journal.

The year was capped in April with a reception and my goal is to makes sure they walk away feeling that their voices has been heard and that they have been treated fairly in their dealings with taxpayers that remind me of my clients at the clinic, thereby seek a resolution that is as fair as possible within the limits of the law. I encounter many situations in which they have found themselves, and communicate with and help them understand the taxpayer's perspective, and my goal is to make sure they walk away feeling that their voices has been heard and that they have been treated fairly in their dealings with the service.

The year was capped in April with a reception organized by the judges of the Family Division to recognize and celebrate the work of each of the clinic students during the year. We are looking forward to continuing our efforts with the incoming students.

Pursuing a Medical Legal Collaborative

by Professor Stella Smetanka

In the last newsletter, I introduced a new project, a Medical Legal Collaborative, which was being pursued by Dr. Marie Clark at Children’s Hospital’s (CHP) Primary Care Center (PCC), Neighborhood Legal Services Association (NLSA) and the law school. (Dr. Clark has moved to southern California, but three CHP pediatricians are on board to take over as medical champions: Drs. Jennifer Wolford, Ami Bear, and Alicia Haupt.) So far, we have not been able to procure the funding that we need to launch the Collaborative through which NLSA lawyers, law students and their professor work as part of a health care team to enforce laws and regulations that are intended to protect public health. At this time, we do have reason to be somewhat hopeful about funding.

However, not to be daunted by the delay, we have been doing as much as we can without a formal program. In October 2009, law students Nick Fiske and Mike Della Vecchia conducted face to face assessments surveys with parents of children who were awaiting medical care at the Oakland PCC. Through the survey we learned that the most prevalent legal concerns of patients at the clinic at that time were housing, public benefits, and children’s health conditions. Based on this information, I designed a Medical Legal Collaborative pilot project involving law students. Melissa Masnovi, Amanda Meighan and Michael Della Vecchia were present at the PCC for a total of 4-5 hours each week. In February and March, I accompanied them.

Besides meeting with patients’ families who were referred to us by various medical personnel at the PCC, we made presentations to the physicians about children’s Supplemental Security Income, to residents about the role of social determinants in the public’s health, and to the community about utilities shut-offs and what can be done. We were fortunate to have Attorney Frank Pistella of NLSA and a representative of Duquesne Light at that session.

Over the three months of our pilot project, physicians and nurses at the PCC referred thirty-four individuals to us with possible legal needs that were adversely affecting the health of their children. Students were busy conducting phone interviews and calling agencies, schools and landlords for many of their clients. The students employed their well-honed research skills and prepared papers triggered by client needs in the areas of special education and children’s disability. One student appeared in court and presented a stand-by guardianship designation for our client whose unstable health made it necessary for her to appoint a friend to assume care for her little boy during the times when she could not. Our intervention convinced a landlord to remediate an unhealthy condition in an apartment for a client. Another student accompanied a client to pro se motions at Family Court so that she could be seen regarding an urgent child care issue.

From actual experience we know that legal needs color the lives of families of sick children. We believe more than ever that placing a lawyer in the health care setting eliminates many barriers for these families whose first priority is their children’s health care.

Elder Law Clinic Students Reach Out to Local Seniors

This past spring, three students from the Elder Law Clinic, Sarah Engle, Daniel Colaizzi, and Valerie Woddruff, traveled to Monroeville Mall, where they spent several hours at Eastern Area Adult Services, an information station for senior citizens and their families. The students spoke at length, in a one-on-one setting, to local seniors about a wide range of topics related to end-of-life planning. They spoke to seniors about estate planning and medical assistance as well as the value served by living wills, health care, and durable powers of attorney. The students also provided concerned seniors with general information not only about the importance of end-of-life planning and the function of different legal documents in that planning, but also answered questions posed by some already-prepared seniors about what they should do with such documents once they had them, or how and if they could change those documents. The students answered questions about the resources available for obtaining legal assistance, the importance of estate planning for medical assistance, and about the process of estate recovery.

Tax Clinic Gives Recent Graduate a Unique Perspective on Clients, Opposing Party

by Anne Bryson, Pitt Law 2008

I am currently working for the Internal Revenue Service in the Area Counsel’s Office for Small Business Self-Employed. While I am on the other side of the controversies we encountered in the tax clinic, my experience in the clinic helped immensely in preparing me for this experience. Not only did it build my resume (I have no doubt my clinic experience helped me get the job) but I learned about tax procedure, practice before the IRS, and practice before the Tax Court. Most importantly, it exposed me to the taxpayer side, providing me with an understanding of the problems taxpayers encounter in their dealings with the Service.

Because of my experience in the clinic I am better able to represent my client, and I am better able to understand the taxpayer’s perspective, communicate with and help them understand the situation in which they have found themselves, and thereby seek a resolution that is as fair as possible within the limits of the law. I encounter many taxpayers that remind me of my clients at the clinic, and my goal is to make sure they walk away feeling that their voices has been heard and that they have been treated fairly in their dealings with the service.

The year was capped in April with a reception organized by the judges of the Family Division to recognize and celebrate the work of each of the clinic students during the year. We are looking forward to continuing our efforts with the incoming class in fall 2010!
Congratulations to Gabe Pendleton ('10), the Pitt recipient of the 2010 Outstanding Clinical Students Award. Gabe participated in the Environmental Law Clinic. In nominating him for the award, the clinic faculty noted that Gabe distinguished himself as a leader among his peers. The clinic’s co-directors wrote that Gabe’s energy, dedication, and intellectual curiosity were the driving force behind team meetings and clinic rounds. Gabe brainstormed with his teammates to develop legal theories and investigation strategies. He also took on a legislative drafting project for a Clinic client that has generated a healthy political discussion on the best approach to stormwater control within the City of Pittsburgh. With regard to his work, his talent and dedication is typified by the following example. His supervising attorney wrote:

Gabe brokered a settlement for 14 Clinic clients in a case that involved the abandonment of natural gas service to those clients during the coldest months of the Pennsylvania fall and winter. In the course of his representation of those clients, Gabe interviewed and counseled all of his clients, conducted group meetings with clients, negotiated with the attorney for the utility, drafted opinion letters, and drafted and filed several pleadings and motions. In each instance, the quality of Gabe’s work exceeded his Supervising Attorney’s expectations. In consultation with his Supervising Attorney, he diligently developed a theory of the case and navigated obstacles to factual investigation. Gabe actively sought to solve his clients’ problems through collaboration with his teammates, self-reflection, rigorous independent research, and strategic thinking. The attorney for the utility remarked at the close of negotiations that Gabe’s handling of the case was the most civil he had ever encountered and was “how it should be done.”

Finally, Gabe has been a very active participant in the Pitt Legal Income Sharing Foundation, which provides summer grants to law students who work with public interest organizations. He has been the face of the Environmental Law Clinic at public interest law student events and at Clinic informational meetings, which are used to introduce second and third year students to the Clinics at Pitt. Gabe is incredibly deserving of this award. Congratulations, Gabe!

Almost 75% of our respondents indicated that they have performed some pro bono work since their graduation. Ten percent (10%) indicated that since graduation they have performed over 100 hours of pro bono; 20% have performed between 20-40 hours of pro bono; and 46% stated that they have performed up to 10 hours of pro bono.

Family Law was the most cited area of pro bono service (23%) followed by Estate Planning/Elder Law/Probate issues (20%), PFA’s (18%), criminal, unemployment and public benefits (15% each). Respondents also indicated that they provided services in child welfare cases, immigration, tax return preparation, prisoner civil rights, disability discrimination, consumer law issues, mortgage foreclosures, landlord tenant, bankruptcy, employment and developing countries seeking trade assistance.

In the comments sections, some respondents indicated that they had various impediments to providing pro bono legal services, but indicated a commitment to do so in the future.

This short survey really was a blunt instrument to assess pro bono participation. Next time, I hope to have a better designed instrument that provides more detailed information. I may be reaching beyond my limited data, but I think the results suggest that the legal community in certain areas of law provides effective supports for pro bono participation, thus allowing even fairly new attorneys to dedicate their time and energy without feeling out of their depth.

Locally NLSA, the ACBA Pro Bono Center and Pittsburgh Pro Bono Partnership provide numerous trainings in family law, PFA practice, unemployment compensation and simple estate planning.

Finally, the survey exposed a shortcoming in modern communications- which while efficient often lacks a personal touch. When Professor Smetanka undertook a similar survey in 1997, survey monkey did not exist. She mailed out letters to our “database” of alums and in return she received not only responses to her survey, but wonderful and thoughtful personal letters updating us on our alums’ accomplishments- both personal and professional.

Please remember that we do not need the excuse of a survey response to hear from you. Drop us a line or email to let us know what you are up to and where you are!

Prof. Mannix can be reached by email at mmannix@pitt.edu.
Fun With Science!--Working With the Environmental Law Clinic’s Staff Scientist

by Oday Salim, Clinic Staff Attorney

In March, the Environmental Law Clinic welcomed Dr. Soumitri “Mimi” Sarkar as the clinic staff scientist. Dr. Sarkar is a hydrogeologist who recently completed her doctoral degree at Syracuse University. I can personally attest that she has been an amazing addition to the Clinic. Practicing environmental law involves a great deal of scientific and technical data. Is a manufacturing plant polluting a stream? Call an aquatic chemist. Is the new wharf inhibiting fish movement? Better get a biologist. Will a change to the zoning code affect nearby farmland? Sounds like a job for a soil scientist. The ability for future environmental attorneys to interact effectively with scientists, then, is crucial.

Many think of the scientist’s role in a legal case as that of a testifying expert. However, Professor Emily Collins, the supervising attorney at the Environmental Law Clinic, envisioned a much broader and more integral role for Dr. Sarkar. Dr. Sarkar provides the attorneys and the students an opportunity to work in a truly cross-disciplinary manner to achieve client goals. She meets regularly with the students to enable them to understand the scientific and technical context in order to develop the best possible legal theories for a case. She participates in client interviews and site visits. She assists the Clinic with on-site sampling and data analysis. She also directly supervises non-law students from science and engineering departments who work in tandem with the law students, offering a valuable opportunity to hone cross-disciplinary teamwork skills that are crucial in today’s competitive job market.

In short, Dr. Sarkar has proved to be not a mere scientific accessory for our cases, but instead a core member of a cross-disciplinary team who has helped to highlight the importance of “round-table lawyering” where lawyers work closely and often with a scientist or engineer when preparing to counsel a client.

On Joining the Environmental Law Clinic

by Dr. Soumitri (Mimi) Sarkar, Clinic Staff Scientist

I joined the Environmental Law Clinic at the University of Pittsburgh, School of Law as a staff scientist in March 2010. Prior to my appointment here, I was pursuing my doctorate degree at Syracuse University in New York. I concluded my four-year long journey by defending my dissertation successfully in May. During my doctoral study, I collaborated with Professors and students at Syracuse University College of Law and worked on a hypothetical problem involving groundwater contamination. It was through this science-law collaboration that I learned about the Clean Water Act, the Safe Drinking Water Act and other federal environmental statutes and regulations related to water quality issues. In light of that unique experience, I wanted to serve the community using my expertise as a hydrogeologist and geochemist to solve environmental problems.

The opportunity came my way in the form of the staff scientist position at the Environmental Law Clinic. I am excited to be a part of a diverse team in the Clinic that provides to the community a broad range of legal and technical assistance related to environmental problems. It has been a great experience so far working with our staff attorney, supervising attorney and extremely motivated law students in preparing the technical components of cases handled by the clinic. I am looking forward to supervising an interdisciplinary team of law students and graduate students in public health, geology, and environmental engineering in order to provide legal and related technical services to our clients.

2009-2010 Environmental Law Clinic Students, Staff and Faculty at the Environmental Hearing Board in Pittsburgh before the Clinic’s annual Mock Hearing. Chief Judge Renwand and Secretary and Attorney Maryanne Wesdock presided over the hearing.
Memorable Moments: Students Reflect on Their Most Critical Clinic Experiences

by Samantha Quinn

The hearing for my client, Jan (name changed to protect confidentiality), is my most memorable clinic experience. Before the hearing, we spent a lot of time working with Jan. We knew exactly how she would answer each question, and she seemed comfortable with everything we were going to ask. I felt as though we could not have prepared more for the direct examination, and I expected my closing and aimed only to try and paint Jan’s answers in the best possible light. I had all these things going through my head, things that should have been said, things I thought the judge needed to know to really understand Jan’s case. But that wasn’t my job. I had a very exact purpose and only a few words to make my point and ask my questions. I can’t even remember what I said in closing, but I really hope that I made a difference to her.

The Attorney-Client Relationship

by Farrah Desvarieux

My most memorable experience of the semester has been working with my own client. The experience has been the greatest confidence booster and has served as a reminder of my own ability to counsel and advise someone. Being responsible for my own client has forced me to be overly prepared for an initial interview or even a conversation over the phone because there is no one else to turn to in that moment. It’s empowering, and it reaffirms my ability to do this work. Working in the clinic has been an enhancing, life altering experience. It has impacted not only my legal education but also my overall journey in the world.

Ode to the client

by Samantha Quinn

So many pass through the clinic’s hallowed doors
Clients of different races, creeds, and those from far off shores,
But what they have in common is they need legal advice
And we hope that our services will suffice.
It is the clients that come to use when they are in strife,
But it’s from them that we learn so much about the law and about life.

Where the Rubber Hits the Road: a New Attorney’s Adventures in Pro Bono Work

by Ariel Nieland, Pitt Law 2010

I had only just started my job a few weeks prior when a senior partner asked me if I would be willing to serve as second-chair on a pro bono prisoner civil rights trial in federal court. Of all the thoughts I had over the next five weeks of ‘round-the-clock work leading up to the trial, the one that resounded most often was, “I can’t believe they’re really letting me do this.”

Our client, Alex,* was a solitary confinement inmate at a prison in central Pennsylvania who had been pro se for two years prior to our being assigned to the case. He was an intelligent and soft-spoken man who had done a pretty remarkable job of getting his claims to trial. Perhaps one of the most impressive examples of his efforts is how he beat the attorney general’s statute of limitations defense (his lawsuit was filed a few days after the two-year limitations period had run) by arguing the prison mailbox rule in response.

Developing Skills, Connecting with Clients

by Ankur Patel

My most memorable experience from the clinic was working with a client whose brother has been incapacitated since brain surgery. The case presented a number of projects and issues. The client sought guardianship of his brother. I conducted my first client interview, conducted a deposition, drafted a petition for guardianship, and prepared for a guardianship hearing. His brother’s condition also resulted in an inability to pay his bills, including his medical and life insurance. I spoke to a number of people and organizations to see what could be done about these mounting bills and termination dates. This provided me with the opportunity to work on my feet, think outside the box, and use persuasion in order to secure some flexibility on the termination dates.

Sadly, the client’s brother passed away while the client was being served by the clinic. After he passed away, we helped the client with his brother’s estate and outstanding bills. I put together his brother’s financials and was in constant contact with his health and life insurance companies, his social worker, and the client. This provided me with the opportunity to work on my communication skills and gave me practice paying attention to detail. I was put in a situation where I had to obtain a large amount of information, so not only did I have to be polite, clear, and persuasive while communicating, but I had to document all of the information that was obtained. This case provided me with a great deal of experience and I really enjoyed my interactions with the client.

When Things Don’t Go as Planned

by Samantha Quinn

The hearing for my client, Jan (name changed to protect confidentiality), is my most memorable clinic experience. Before the hearing, we spent a lot of time working with Jan. We knew exactly how she would answer each question, and she seemed comfortable with everything we were going to ask. I felt as though we could not have prepared more for the direct examination, and I expected my closing and aimed only to try and paint Jan’s answers in the best possible light. I had all these things going through my head, things that should have been said, things I thought the judge needed to know to really understand Jan’s case. But that wasn’t my job. I had a very exact purpose and only a few words to make my point and ask my questions. I can’t even remember what I said in closing, but I really hope that I made a difference to her.

seemed unaware that we were present as he directed a battery of questions at Jan. Jan is very proud of everything she has overcome, but that worked to her disadvantage in this case. I knew she needed help, but it was hard for her to express to the judge the extent of her problems. By the time she was done answering the judge’s questions, I had scrapped half my closing and aimed only to try and paint Jan’s answers in the best possible light. I had all these things going through my head, things that should have been said, things I thought the judge needed to know to really understand Jan’s case. But that wasn’t my job. I had a very exact purpose and only a few words to make my point and ask my questions. I can’t even remember what I said in closing, but I really hope that I made a difference to her.

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Our client, Alex,* was a solitary confinement inmate at a prison in central Pennsylvania who had been pro se for two years prior to our being assigned to the case. He was an intelligent and soft-spoken man who had done a pretty remarkable job of getting his claims to trial. Perhaps one of the most impressive examples of his efforts is how he beat the attorney general’s statute of limitations defense (his lawsuit was filed a few days after the two-year limitations period had run) by arguing the prison mailbox rule in response.
Although Alex had originally alleged a number of claims against individual prison employees, including guards and medical staff, as well as the state prison system itself, the claims that survived summary judgment were a first amendment retaliation claim and an eighth amendment use of excessive force claim. The remaining defendants were five prison guards. The incident giving rise to his claims involved an alleged beating that took place as five of the guards were assisting with moving Alex from one cell to another. As a result of the guards’ violent physical treatment of him during the cell move, Alex sustained a documented injury to his head; he then sued the guards for excessive force as well as for retaliating against him for filing grievances against some of them, a protected first amendment right.

The five weeks we had to prepare for trial were some of the most exciting and exhausting of my life. Because of the condensed timeline, my colleague and I were able to experience the entire life cycle of a trial in a little over one month. But it’s not as though we had a choice; the judge wanted to keep his “rocket docket” on track and there was no chance of moving the trial date. So we hit the ground running, drove several hours to meet and interview Alex our first weekend on the case, and did not stop working for a moment right up until the jury rendered its verdict. Although the verdict was ultimately not a favorable one, my colleague and I shared in many small victories along the way.

Our first of these victories came from winning a Motion for Limited Expedited Discovery in our second week on the case, which enabled us to take the depositions of the five defendant prison guards, a major who provided general information about prison procedure, as well as the nurse who was on duty the day of the incident. We also filed a number of successful and unsuccessful motions in limine, in which we argued for both the exclusion of our client’s criminal history as well as the admission of some testimony on the guards’ prior bad acts. From putting together the exhibit binder to drafting a settlement demand to attending pre-trial conferences with the judge, every task we worked on proved to be a powerful learning experience.

The trial itself flew by in a packed courtroom filled with U.S. Marshalls, the numerous parties and witnesses involved, friends, family, and colleagues from our firm. Despite how well prepared we were in some ways, it was the courtroom procedure—refreshing recollection, impeachment, introducing documentary evidence, objections—things you can only learn by doing, that was by far the most intimidating aspect. Jury selection took place on Monday morning, I gave the opening statement after lunch and we put on four witnesses by the end of the day. The first time we met our three inmate eyewitnesses was when they took the stand, which provided for a few interesting surprises. The cross examinations of the prison guards was challenging to say the least as they sure weren’t planning to throw us any bones. I remember thinking to myself, I know what I want them to say, and they know what I want them to say, but how in the world do I get them to do it? In some respects my colleague and I were probably overly prepared because what happens in the courtroom at a trial is a living, breathing organism; scripted questions get you nowhere. Instead, you have to listen closely to the witnesses’ tone as well as the content of their testimony, know instinctively where you want to go next, while being ready to change course drastically at a moment’s notice depending on what actually comes out of their mouths.

The highlight of it all was most certainly getting to hear from Alex about what it was like to have his day in court. I could sense his gratefulness for being given the opportunity to tell his story and I could also sense his frustration over the process, at how restrained he knew we were by procedural and evidentiary rules, at how long it took him to get there in the first place. Of course we were all disappointed by the jury’s verdict, but the fact that we were able to be there at all, a solitary confinement inmate with an old head injury and his two enthusiastic rookie attorneys, is a testament both to our justice system itself and to the well-recognized view in our legal community of the enormous importance of pro bono work.

*Name changed to protect the client’s confidentiality.

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Navigating the Social Security Administration Appeals Process

by Ivana Grujic

If you have ever turned on the television during typical work hours, you are likely to be inundated with law firm commercials advertising social security services, particularly for people whose disability claims have been denied. Before joining the clinic, I wondered why so many firms concentrated on this one particular area of law. Out of the multitude of plaintiff related claims, why is the area of social security benefits so popular? Only a few short weeks into the semester I got my answer.

Not knowing too much about the Social Security Administration (SSA) before participating in the clinic, I assumed that if you had a legitimate mental or physical disability you simply filed a claim by filling out a couple of forms, waited a few months, and were typically granted your benefits. I quickly learned that the Social Security Disability (SSD) process is a complicated, time-consuming process, and navigating the maze that is the SSA in order to file a disability claim can be very difficult for someone who does not understand the rules and guidelines. Even as a law student I had trouble deciphering many of the questions and explanations scattered throughout the mountain of paperwork needed to file a claim.

Based on the cases I have worked on this semester, it is apparent that most people seeking disability are in dire need of financial support and are often at the end of their ropes when they come to our health law clinic for assistance. Our clients are often in pain and are dealing with serious physical and mental problems. They are also dealing with the emotional stress and anxiety which they and their families are facing because of their ailments and financial hardships.

The reason why so many firms concentrate on Social Security work is simple: there will always be a large client pool (and therefore a large economic opportunity), because the vast majority of SSD/I claimants have no idea how to navigate the confusing SSA rules in order to properly and thoroughly prepare their case for a hearing. The SSA is a bureaucratic labyrinth and any slight error or omission on an application may lead to a denial. As a certified legal intern it has been my task this semester to guide our clients through the SSA maze so that their claim will have the best chance of winning. We gather medical records, get statements from treating physicians, prepare memos, and represent clients before an Administrative Law Judge. While I cannot guarantee a favorable decision for my client, I can at least guarantee that they will be properly prepared for their hearing date, which is often more than a client can do on his or her own.

I have learned in the clinic that the odds of winning an SSD/I case before an Administrative Law Judge are substantially increased when a client obtains the clinic’s services. The fact that a claimant probably will not be able to obtain benefits without legal counsel is something an individual needs to consider when he or she is thinking about applying. Though it may not be fair, our government services operate in a realm where the average citizen is greatly prejudiced from obtaining deserved assistance if he or she is not represented by an attorney. As student advocates, we must work in a system that does not always operate fairly. We must remember that without the clinic, many of our clients would not have any legal advice. We help people the best we can, and we hope we can be good advocates in a system that often marginalizes those with the fewest resources.

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Clinic Alumni News

Aaron Asher (Pitt Law 2004) was presented with an ACBA Pro Bono Achievement Award in the Fall of 2009. These awards recognize individuals, law firms, legal departments, and organizations which have made significant contributions to enhancing the provision of legal services to low-income residents of Allegheny County in the past year.

Lexie Baiman (Pitt Law 2009) graduated from Georgetown University’s L.L.M. program in Taxation with distinction in May 2010 and is now clerking at the United States Tax Court.

Jennifer Billet (Pitt Law 2009) recently accepted an offer with Levicoff, Silko, & Deemer in downtown Pittsburgh. Ms. Billet noted that her clinical experience often came up in interviews and that the firms were impressed with the skills and knowledge she obtained in the clinic.


Andrea Ciervo-Canizares (Pitt Law 2003) and her husband welcomed Karalena Mia Canizares on March 30, 2010. Karalena weighed 7 lbs, 13 oz. She joined her very proud brother, Sebastian, who will turn three in November.

Jessica Ellel (Pitt Law 2002) and her husband, John, welcomed daughter Summer Isabella in spring 2010!

Lindsay Fulton-Brown (Pitt Law 2004) became partner in Osterhout, LLC (renamed Osterhout, Fulton-Brown) on July 1, 2010. The firm is located here in Pittsburgh. Partner Karl Osterhout stated, “Lindsay’s commitment, integrity, hard work and care for our clients and employees is beyond question, and I could not be more pleased.”

Andrea Grana Phillips (Pitt Law 2008) works as the Compliance Officer for the Veterans’ Administration Health System in San Diego, California.

Patrick Grenter (Pitt Law 2009) became the Three Rivers Waterkeeper’s Legal Director. Patrick’s work was featured on WQED and KDKA in June. Patrick’s position was made possible by the generosity of the Heinz Endowments and the Pittsburgh Foundation.

Karen Wells Jackson (Pitt Law 1999) and her husband, Troy, welcomed baby Simond Hunt Jackson on April 13, 2010. Congratulations to the Jackson family!

Jennifer Jara (Pitt Law 2009) and Mark Mislavonich (Pitt Law 2009) were married in Heinz Chapel in the Fall of 2009.

Brook Lane (Pitt Law 2010) accepted a position with the Middlesex County, Massachusetts District Attorney’s office.

Emily Ouellette (Pitt Law 2007) recently accepted a position as Senior Project Manager for the Center for Information and Study on Clinical Research Participation (CISCRP), in Boston, MA. CISCRP is a non-profit organization dedicated to educating and informing people about clinical research participation and the role that each party plays as a participant in the process.

Gabriel Pendleton (Pitt Law 2010) recently accepted a clerkship with the Vermont Superior Court.

Nancy Potter (Pitt Law 2009) joined KidsVoice as a Staff Attorney in August 2010. She will be representing abused and neglected children in Allegheny County in her new position.

Diana Pruhiere joined Steptoe & Johnson, PLLC, in their Environmental Practice Group of the Business Department in Charleston, West Virginia.

Mark Reardon (Pitt Law 2002) has completed his clerkship with Allegheny County Orphans’ Court judge Frank Lucchino and has started his own firm, focusing on Orphans’ Court matters.

John Riley (Pitt Law 2008) and another Pitt Law grad have been building an immigration law practice since Riley returned from to Pittsburgh from Korea last spring. He writes, “It has been a tough but exciting endeavor.”

Katie (Warren) Whitalch (Pitt Law 2006) and her husband, Randy, welcomed their new baby Nate on February 15, 2010. Congratulations!

Lindsay Weisberg (Pitt Law 2009) and her husband, Matt, welcomed baby Theodore Williams Weisberg. Congratulations!

Renee Williams (Pitt Law 2008) recently accepted a position as In-house Counsel with National Asset Management, a wealth/asset management company whose clients are primarily physician practices, hospitals, and commercial businesses.

Sarah Strauss (Pitt Law 2009) recently joined Deloitte Consulting as a Federal Energy and Sustainability Consultant in Washington D.C.

Curt Sullivan (Pitt Law 2009) joined the Pennsylvania Department of Environmental Protection as an Assistant Counsel.

Liz Tuccillo (Pitt Law 2009) recently started working at Neighborhood Legal Services Association as a Staff Attorney.

Mustafa Unlü (Pitt Law 2009) and his wife, Kathy, welcomed baby Emre Nelson Unlü on August 4, 2010. Congratulations!

Maryam Shad (Pitt Law 2005) has opened a law office in Houston, Texas. Her practice concentrates on family law, elder law, criminal defense and animal law.

Rachel Solomon (Pitt Law 2007) recently accepted a position with the Internal Revenue Service as a Revenue Agent. She lives in Silver Springs, Maryland.

Social Security Appeals Process (continued from page 6)

My experience in the clinic has been about transition: I have gone from being a law student observing in the classroom to a legal advocate practicing law on behalf of clients with serious interests at stake. The clinic has taught me how to prepare a case from start to finish, how to form a line of direct questioning and cross examination, how to file a motion, how to interact with a judge in a court room, etc. I have also learned that effective communication is about knowing and understanding the target audience and about listening attentively and trying to understand the client’s situation in order to best represent him or her. The clinic has been an essential component to my legal education. It has also been one of the most difficult and rewarding experiences in law school.
Acknowledgments

Many volunteers contribute their time each year to the Clinics by participating in mock trials, hearings, and public presentations. We have listed acknowledgments of those individuals below.

Professor Smetanka would like to thank the following people for their contributions to the Health Law Clinic: Hon. Livingstone M. Johnson, ALJ David Hatfield, Dr. William Houston Reed, Alina Kurtanich, Karl Osterhout, Larry Chaban, the student court reporters and Mary Beth Johnson at Community College of Allegheny County, and Dr. Marie Clark.

Professor Gruener would like to thank the judges of the Family Division of the Allegheny County Common Pleas Court for their unwavering support of the students both in and out of their courtrooms. Also, the clinic owes a large debt to the efforts of Barbara Clemens, Pro Se Director, whose seemingly unlimited patience is tested every day by the litigants, and sometimes by the students who have learned so much from her about how to be a lawyer.

Professor Mannix would like to thank Attorneys Cheryl Esposito Kaufman and Ann Rice for acting as Judges for our Clinic mock trials; Drs. Eric Rodriguez and Robert Wettstein for leading discussions with Clinic students about how the medical profession assesses capacity; and attorney Edward Carey for providing his annual lecture on Medical Assistance Eligibility.

Professor Collins would like to thank the Honorable Thomas W. Renwand and Board Secretary and Attorney Mary Anne Wesdock for their participation in the Environmental Law Clinic’s second mock administrative hearing. Thanks to Austin Mitchell, Bobby Karimi, and Dr. Dan Volz for their participation as expert witnesses at the mock hearing. Finally, a special thank you to the Heinz Endowments for their continued support of the Environmental Law Clinic’s work for the community and our students.

All of the Professors would like to thank Brandi Leigh Jones for approaching the Legal Clinics about volunteering during the month of August. It is because of her that this year’s newsletter happened. Thank you, Brandi, and all the best to you as you enter your third year of law school at the University of North Carolina!

Clinical Faculty and Staff

Martha Mannix — Co-Director of Clinical Programs and Elder Law Clinic
Stella Smetanka — Health Law Clinic
Harry Gruener — Family Law Clinic
Sheila Vélez-Martínez — Immigration Law Clinic
Emily Collins — Environmental Law Clinic
David Herring — Co-Director of Clinical Programs
Dr. Soumitri Sarkar — Clinic Staff Scientist
Oday Salim — Clinic Staff Attorney
Nadine Hamlett — Clinic Administrator
Jane Lehew — Clinic Administrator

Adjunct Clinical Faculty

Dixon Rich, Jr. — Low Income Taxpayer Clinic
Tom Arbogast — Low Income Taxpayer Clinic
Leo Hilt — Low Income Taxpayer Clinic
Edward Van Stevenson — NLSA Practicum
Stephen Pincus — Unemployment Compensation Practicum
John Stember — Unemployment Compensation Practicum
Robert Brenner — SPLAS Practicum/Lawyering III

Donating to the Clinics

If you would like to support the on-going work of the clinics, you can “earmark” your annual giving to the law school by indicating on the giving form that you would like your donation to support the Legal Clinics. You may also write in the Legal Clinics or a particular Clinic in the online giving form at http://www.giveto.pitt.edu/giving/give.php