Immigration Clinic Jumping Into Action in Light of Trump Administration Changes

The immigration clinic learned on Friday, October 13th at 2:30 pm that ICE would not accept the clinic’s request for a stay of removal. With a plane ticket as the only thing keeping ICE from deporting the clinic’s client, the students filed an emergency habeas petition and motion for stay in the United States District Court, Western District of Washington. In a round the clock effort, students tagged-teamed meeting with the client in detention, drafting the habeas, the motion, and preparing the T visa. After filing the motion for stay on a Friday night at 10:09 p.m., Judge Marcia Pechman granted the stay, to remain in effect while the students brief the issues in the case.

The clinic students also won an appeal before the Board of Immigration Appeals (BIA), securing the right of an indigenous Guatemalan woman to apply for asylum. In this case, the Immigration Judge (IJ) ordered the woman and her two minor children deported when she did not appear at a preliminary hearing. This effectively prevented her from applying for asylum. A prior attorney had moved to reopen the case, noting that the woman was illiterate and had an asylum claim. However, the IJ denied the motion to reopen because he had told her, at an earlier hearing, of the next hearing date and time. The clinic students took on the appeal, arguing that illiteracy was an exceptional circumstance under the regulations, and that it would be error to deny reopening when the client presented a prima facie asylum case. The BIA agreed and the client will now have the opportunity to apply for asylum for her and her children. With the immigration
The Clinical Law Program is fortunate to have Sanne Knudsen, Stimson Bullitt Endowed Professor of Environmental Law and Associate Dean for Faculty Research and Development, join the Environmental Law and Policy Clinic for the year as a Scholar in Residence. Professor Knudsen will teach the clinical course with ELPC Director, Todd Wildermuth. We are thrilled that our faculty and students will have the benefit of Professor Knudsen’s expertise in the field of environmental law.

Recently, the Environmental Law and Policy Clinic filed a petition with the Administrator of the US Environmental Protection Agency to fulfill the mandates of the Noise Control Act of 1972 and the Quiet Communities Act of 1978. The petition was submitted with the support of The Quiet Coalition and the American Tinnitus Association. Current noise statutes call upon the government to sponsor research, educate the public, and adopt regulations to control levels of environmental noise. These mandates have been unfunded and neglected for decades; the Office of Noise Abatement and Control was dismantled during the Reagan era. As Congress recognized over four decades ago, noise presents a serious public health hazard. In the absence of regulation and enforcement, the problem has gotten worse each year. Filing a petition is the first step in making sure agencies like the EPA implement and enforce our laws as they are required to do. A court may not be able to order an agency to do its job if it has not first been asked.

Environmental Law and Policy Clinic Host First Scholar in Residence

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ENVIRONMENTAL LAW & POLICY CLINIC
The University of Washington School of Law, through our Children and Youth Advocacy Clinic (CAYAC), has been chosen to co-lead a University wide participatory research project alongside our School of Nursing. Special funding from the state of Washington to address youth homelessness in our community has made this unique interdisciplinary opportunity possible. Students in the clinic will work alongside CAYAC’s new clinical teaching fellow, Julia Bedell, to engage in participatory research methodology with youth experiencing homelessness, conduct intake interviews with homeless youth, craft policy recommendations based on youth voice, develop implementation plans to act on those recommendations, and draft policy reports for public distribution.

This project comes after a successful effort to expand access to legal representation to children in the foster care system. During the 2016-2017 academic year the Children and Youth Advocacy Clinic built on their research from the previous year to engage in legislative advocacy. CAYAC’s research demonstrated that many children in Washington state are without advocacy in child welfare courts and that children’s voices are more likely to be heard if they are represented by an attorney in court. Over the course of the legislative session, students met with more than 35 state legislators or their staff and one CAYAC student testified in front of the Washington State Senate’s Human Services, Mental Health, and Housing Committee. The hard work of the students and many community partners culminated with the passage of SB 5890 this summer. This bill includes a new, fully funded, pilot program that will appoint attorneys to children of all ages in two Washington counties and study the impact of those attorneys over two years. Through this privately funded project, CAYAC students were able to see the impact of systems advocacy in addition to individual client work. Upon graduation, one CAYAC student reflected that doing this legislative work was her “favorite memory at UW Law.”
In the fall of 1997, Professor Jacqueline McMurtrie founded Innocence Project Northwest (IPNW) as the third independent innocence organization in the United States and it became a clinical offering at the University of Washington School of Law in 2002. With the mission and needs of the organization growing, IPNW is transitioning operations to an independent non-profit that will continue to affiliate with the University of Washington School of Law. Students still enroll in IPNW’s client representation and legislative advocacy clinics, but the non-profit status allows IPNW to engage in much needed advocacy and focused fundraising.

IPNW’s mission – to free innocent prisoners and work to prevent future wrongful convictions through education and policy reforms – remains as critically important today as it was twenty years ago. IPNW recognized Professor McMurtrie and its many significant supporters at the May 2017 Stand for Innocence Benefit and Awards Dinner, and continued to celebrate its 20th anniversary with a Rock for Justice Concert featuring the Exoneree Band. The event was held October 2nd to commemorate International Wrongful Conviction Day and brought IPNW’s community supporters, students and alumni together with exonerees from around the country.

Through the work of dedicated faculty, staff, students and pro bono partners, IPNW has exonerated 14 Washington men and women who collectively served over 114 years in prison for crimes they did not commit.

Efforts to improve criminal justice in Washington and support exonerees has led to important reforms including improved eyewitness identification procedures, and new laws to preserve evidence for post-conviction DNA testing and provide exonerees compensation for their wrongful convictions. IPNW Clinic students worked with faculty and staff last year to secure DNA testing orders and investigate new evidence of innocence on behalf of their clients and learned firsthand that the fight for freedom in these cases is long and arduous – a lesson exemplified by recent developments in the case of IPNW’s first DNA exoneree, Ted Bradford.

IPNW began investigating Ted’s case in 2002. But it took another eight years before he was exonerated. During that time IPNW obtained DNA testing that excluded Ted from the crime scene evidence. After his conviction was vacated in light of the new DNA, Ted was retried by the State before a jury acquitted him in 2010. This August, he received news that new DNA results implicated another man in the 1995 rape that led to Ted’s wrongful conviction, new evidence he hopes will solidify his claim for compensation for the decade he spent in prison.
ENTREPRENEURIAL LAW CLINIC

Entrepreneurial Law Clinic (ELC) Assists CoMotion on Potential Spinouts from the UW

The ELC serves low-income entrepreneurs throughout the Pacific Northwest by providing critical early-stage legal and business counsel. Students tackle everything from forming legal business entities and reviewing contracts to advising clients on equity allocation and instructing them on best corporate practices.

During the 2016-2017 academic year, the ELC assisted 26 startup businesses consisting of 11 microenterprises, 7 high technology projects and 8 nonprofits. It also helped CoMotion, the innovation hub of the University of Washington, with 2 potential UW spinouts, including EpiForAll.

EpiForAll, which developed an alternative way to deliver epinephrine, won the grand prize at the UW Hollomon Health Innovation Challenge, as well as the DLA Piper “Best Idea with a Global Reach” prize. EpiForAll also took fourth place at the annual UW Business Plan competition and was featured in The Seattle Times. The ELC assisted CoMotion on corporate and IP issues for EpiForAll. The ELC also addressed corporate issues for CoMotion for another of its spinouts, LC-Tourniquet, which is developing a limb-cooling device to assist military doctors, paramedics and trauma centers with pre-hospital care for trauma that blocks blood flow to a limb. LC-Tourniquet took third place in the UW Business Plan competition. In addition, the students also represented clients ranging from an innovator who developed an educational card game to an entrepreneur who adapted a seam ripper (traditionally used for clothing) to remove sewn-in hair weaves to an inventor who developed a pipe to be sold in cannabis stores.

Tech–Law Clinic

Students Pass City and State-Wide Legislation

Students in the Tech-Law Clinic successfully passed local and state legislation protecting privacy rights. Working with Shankar Narayan of the ACLU of Washington, Tech-Law students composed language, met with stakeholders, and persuaded Seattle City Council persons to pass CB 118930.

The legislation received unanimous approval and will increase public awareness and involvement when Seattle considers obtaining new surveillance equipment or software. The new law, sponsored by Councilmember Gonzalez, expands the definition of surveillance equipment. 3L student Chris Stevenson led the Tech-Law effort.

On May 16th Governor Jay Inslee signed House Bill 1493. The Washington law governs the handling of “biometric identifiers” such as voiceprints, retina scans, and other unique biological identifiers. Strong notice requirements, “opt-out” provisions, and limits on the sale of this information are all parts of the bill. Tech-Law students worked with Alex Alben, Washington State’s Chief Privacy Officer in composing language and persuading legislators to vote in favor. The new law takes effect immediately.
Youth of color make up more than 75% of the children who are prosecuted as adults in Washington’s criminal justice system. Many of these young people receive extraordinarily long sentences, and the Tools for Social Change: Race and Justice Clinic has focused on representing some of these individuals who are serving decades for crimes committed when they were 15 to 17 years old. This past year, through the advocacy of the Race and Justice Clinic partnering with the community, clients were granted early release and the opportunity to be re-sentenced for offenses they committed when they were children. These individuals were sentenced to die in prison and now have a second chance. Recent favorable case law in the Washington Court of Appeals and Supreme Court has laid the groundwork for more individualized sentencing and many more clients for clinic students to assist. But the Race and Justice Clinic is not just engaged with clients at the “back end” of the system. In 2016-2017, clinic students also obtained favorable outcomes for middle school and high school students who were expelled from school. By representing students at the front end of the “school to prison pipeline,” law students are able to build advocacy skills and begin to formulate ideas for broader systemic change to reduce the over involvement of youth of color in the juvenile and adult criminal justice systems. In addition to traditional advocacy, clinic students held know your rights workshops for girls in the youth jail, advocated for restorative justice on behalf of a crime survivor and an offender, and gathered data on racial disparities in school discipline and post-conviction matters that will form the basis for future clinic work. The long standing racial and ethnic disparities in our juvenile and adult criminal justice systems require creative and courageous lawyers who understand the various systems that work together to produce negative outcomes.

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Tribal Public Defense Clinic students Renee Ambacher and Corinne Brierley successfully negotiated a dismissal for their client just weeks before the scheduled jury trial. As the date approached, Ambacher and Brierley worked with Clinical Professor Brenda Williams to negotiate an offer from the prosecution.

“It was the best outcome we could have hoped for,” said Brierley. “I have no doubt we would have won at trial, but to get the charges dismissed without the stress of trial for our client—it was a total victory.”

Clinic students also conducted client interviews and jail visits, drafted substantive motions and jury instructions, and assisted with criminal trials. Four students worked on child welfare litigation in Muckleshoot Tribal Court, drafting briefs, preparing cross examinations, and advocating for clients’ interests.

Renee Ambacher said of the experience “The Tribal Clinic not only gave me my first perspective on trial practice and how a courtroom is run. I am so glad to have spent time in the Tribal Clinic, and I never get tired of bragging about being a ‘barred advocate’ in the Tulalip Tribal Court!”
Alan Kirtley Retires—But His Legacy On The Clinical Program Remains

It is hard to distill in written form all of the tangible and intangible contributions that Alan Kirtley made to the clinical program at the University of Washington School of Law (UW Law). His hard work and vision are indelibly part of the program and will remain so for years to come.

When the program was just starting, it was Alan’s vision and determination that grew the clinic from a small program to one that includes twelve clinics and a vast externship program. He came to UW Law in 1984 to form the Criminal Law Clinic with a federal grant from the Department of Education. However, his foray into clinical legal education dates back to the early 1970’s. Alan left private practice, after becoming a partner in a law firm, to teach in the University of Michigan Law School clinic. After a few years, he moved out west to start a clinical law program at the University of Puget Sound (now Seattle University) Law School.

Alan directed UW Law’s Criminal Law Clinic for five years before securing a federal grant to add a civil law clinic and shortly afterwards a mediation clinic to the law school curriculum. The breadth of clinical offerings for UW Law students continued to expand under Alan’s leadership. As Clinic Director, he strategically built the program to respond to the needs of the community, diversify the practice experiences for students, and take advantage of available funding opportunities.

Alan was a beloved mentor to a generation of UW Law clinical faculty. He was also a dogged and successful advocate for obtaining security of position for program faculty. Clinicians who were hired on one-year grant-funded contracts were moved to longer term contracts funded by the law school. Following Alan’s example, many clinicians converted to tenure-track and achieved tenure and full professorships. When a new law school was built, Alan oversaw the move of the clinical program from a building separate from the law school (which was later condemned) to a modern wing of the law school. The integration of the clinic faculty into the law school has facilitated a regular exchange of ideas between the clinic faculty and non-clinic faculty members.

Alan built the vibrant UW Law clinical program while also teaching courses in alternative dispute resolution and negotiation, and supervising law student mediators in the Mediation Clinic. It is not unusual to run into one of Alan’s former students and hear wonderful stories of their clinical experiences under Alan’s tutelage. Alan’s contributions extend beyond his service to the UW Law clinical program. He trains mediators twice annually in the law school’s Professional Mediation Skills Training CLE and served as Chair of the Washington State Bar Association’s Dispute Resolution Section. Alan co-founded both the Northwest ADR Conference and the Northwest Clinical Teachers Conference. He was an active participant in the AALS Section on Clinical Legal Education and chaired its Executive Committee. We are so grateful to Alan for his many contributions. His legacy will live on in the clinical program at UW long after his departure.
On October 5, 2017, the Clinical Law Program held its first annual swearing-in ceremony. Judge Ronald E. Cox, of the Washington Court of Appeals, provided our clinic students with words of advice, encouragement, and inspiration about the practice of law and then administered an oath to the students. Judge Cox has been on the Washington State Court of Appeals since January 1995. He is a graduate of the University of Washington School of Law and the United States Military Academy at West Point. He served as President of the King County Bar Foundation, which raises funds for free legal services to the poor and scholarship for minority law students. He was actively involved in the educational work of the Washington State Minority and Justice Commission of the state supreme court. The University of Washington School of Law awarded Judge Cox its Henry M. Jackson Distinguished Alumnus Award and King County Washington Women Lawyers awarded him its Judge of the Year Award.

He spent time after the swearing-in meeting the students and learning more about their exciting clinic work in the year to come.

Federal Taxpayer Clinic (FTC) Engage in Community Education and Services


With the help of volunteer attorneys, two CPAs, 18 law students and 5 interpreters the FTC assisted taxpayers in securing refunds of $32,262 and decreasing debt by $1,033,762.

Partnering with the Taxpayer Advocate Service and IRS Counsel, the Federal Tax Clinic conducts Tax Court Clinics, which allow pro se taxpayers with upcoming Tax Court dates to utilize our services to negotiate on their behalf with IRS counsel. We conduct our negotiations in-person and over a closed circuit video system, and transfer documents via fax transmission. We also try to assist taxpayers who need guidance but either do not qualify for clinic assistance, or call at a time when we do not have the capacity to take them on as a client.
Drama Professor teaches Law Students Persuasive Communication Skills

With over 25 years of experience teaching at the UW School of Drama, as well as her own career in the theater, Professor Judith Shahn has a keen appreciation of both the power of words and how speech ‘lands’ on an audience. She also understands how an actor’s mindset and emotion affect perception and persuasion, influenced by tone of voice, gesture, posture and movement. For the last five years, litigators in Seattle have increasingly called on her for help, realizing a lack of communication skill was holding them back. The word spread quickly. Judith Shahn became the person to see, achieving dramatic transformations that revealed the authentic, persuasive core beneath the stiff lawyer exterior.

In several UW Law appearances, Professor Shahn shifted the reality of the classroom to one of creative exploration, heart, energy and, most amazing of all, playfulness. Students were encouraged to be vulnerable and stretch themselves before an audience, with an opportunity to see just how powerful they could be. They learned how to use words that resonate, combined with standing, gesturing and using their eyes to connect with each member of the audience.

Seeing the great potential benefit to UW Law students for this kind of dynamic speaking instruction on a regular basis, Associate Dean of Experiential Education Christine Cimini and Professor From Practice Bill Bailey worked with Professor Shahn to develop a formal course proposal, which was offered for the first time in Spring, 2017. Word of it spread quickly among the students, with more than double the enrollment cap signing up. Student feedback proved just how much this one course did to develop student confidence, poise and persuasion in public speaking. Every member of the class felt that they emerged with a deeper understanding of themselves, the art of dynamic speaking and how to better connect with an audience.
CLEA Outstanding Clinic Student—Patrick Carter

This year’s CLEA outstanding clinic student award recipient was Patrick Carter. Prior to attending law school Patrick worked in the community mental health and child welfare fields. Here, he developed a visceral understanding of the challenges of traditionally underserved and undervalued peoples including: individual and multigenerational trauma; poverty; and oppression of people based on ethnicity, sexual orientation, gender identification, and disability.

Patrick came to law school after working with community mental health agencies, an area hospital, and the county suicide hotline to facilitate a reduction in juvenile 72-hour hospitalizations.

Patrick didn’t go to law school with the goal of becoming a tax attorney, but was drawn to taxation law while studying with Professor Lily Kahng, who brought to life the core policies of the doctrine from a perspective of social justice. The nature of law as a mediating force between the government and its people, specifically, is a key factor that drew Patrick to its study. In tax law, he sees the opportunity to potentially impact an even larger system over time. His overall concern and lifetime objective is to bring positive impact to those who are not traditionally served by the services of tax attorneys or accounting firms in high rise buildings.

Publications

Kimberly Ambrose and Lisa Kelly, Representing Youth: Telling Stories, Imagining Change (September 2017).


Presentations


Kimberly Ambrose, Racial Equity Issues in the Juvenile Justice System, University of Washington School of Law, Juvenile Training Academy CLE, July 2017 (Seattle, WA).


Christine Cimini, Community Lawyering’s Effect on Social Change: An Immigration Enforcement Case Study, New York University Law School, Clinical Writers’ Workshop (September 2017).

Jennifer Fan, Presented Catching Disruption: Regulating Corporate Venture Capital, Business Associations and Comparative Law Sections joint program during the 2017 AALS Annual Meeting (January 2017).


Alejandra González, Avances y retrocesos en la jurisprudencia de la Corte Interamericana de Derechos Humanos, Universidad Nacional de Tucumán, Argentina (August 2017).


Scott Schumacher, Tax Avoidance-Implications on Corporate Governance, Keio Global Symposium, Tokyo, Japan (January 2017).


Lara Zarowsky, Working with Clinic Students in Innocence Clinics, Innocence Network Conference, San Diego, CA (March 2017).
Students enrolled in the International Business and Human Rights Clinic were immersed in the practice of international human rights law this past year with advocacy trips to Washington, DC and Guatemala to participate in formal meetings with government and intergovernmental officials, prepare our client’s testimony, and testifying.

The first team filed a request for immediate protection before the Inter-American Commission of Human Rights on behalf of Lucila Bettina Cruz Velázquez—one of the leaders of the Zapotecos Indigenous peoples of the Tehuantepec Isthmus, Oaxaca. The indigenous community is seeking international protection of indigenous people territories from a wind farm project to be developed by an international private corporation in their lands without prior and informed consent. The community was successful at halting the project by obtaining an injunction in Mexico, but the arbitrary transfer of the judge deciding in favor of the communities led to a protracted legal battle and threats against Bettina Cruz.

A second set of students participated in a hearing in Washington, DC on the “Impact of Executive Orders on Human Rights in the United States.” The students prepared their client to present the undocumented community perspective on the conditions of confinement at the Northwest Detention Center in Tacoma, WA. Run by a private corporation, the NWDC holds almost 1,600 immigrants in civil detention. Students interviewed former detainees, hunger strike leaders, advocated for the end of the for-profit immigration model in the US with international legal arguments, participated in meetings with other organizations and presented their main findings to the Washington Attorney General’s office. At the request of hunger strikers, they filed an urgent appeal before the United Nations Working Group on Arbitrary Detention.

Finally, another team worked with Business and Social Responsibility (BSR) a global nonprofit organization that coordinates a network of more than 250 member companies advising them on integrating sustainability into strategy and operations. They drafted a counseling memo for the annual meeting of the Human Rights Working Group (consisting of 25 companies). The Human Rights Working Group seeks to find operational guidance to implement the Guiding Principles on Business and Human Rights and to explore the viability of external legal mechanisms, including national law and various international instruments and entities.