I AM THRILLED to share with you exciting new developments in our experiential education program at the University of Washington School of Law. Last year we created the new position of associate dean for experiential education - a decision that reflects our school's commitment to enhancing and supporting this integral aspect of legal education.

After an extensive national search process we are very pleased to announce our new dean of experiential education, Christine Cimini. Christine comes to the University of Washington with a depth of leadership experience; she served as the Ronald V. Yegge Clinical Director at the University of Denver Sturm College of Law and subsequently served as the associate dean of research and faculty development at Vermont Law School. Christine possesses a unique skillset, supporting and developing both experiential programs and scholarly life in the law school setting. With this combination of experience, Christine is making an immediate impact at UW School of Law and we are excited about our future under her capable leadership.

We are at an influential moment for our profession and UW School of Law is committed to leading the ongoing evolution of legal education. The confluence of a shifting legal market, increasing student demand for an array of experiential opportunities, changing ABA accreditation standards and heightened employer expectations makes this a critical time to recommit our energy and creativity to provide enhanced student learning. We will build on our past success to advance experiential education to the next level of excellence, working with our colleagues in the academy and across the profession to meet the challenges of legal education in an increasingly complex world.

"WE ARE AT AN INFLUENTIAL MOMENT FOR OUR PROFESSION AND UW LAW IS COMMITTED TO LEADING THE ONGOING EVOLUTION OF LEGAL EDUCATION."

DEAN KELLYE Y. TESTY

MESSAGE FROM DEAN TESTY

FALL 2016

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EVENTS

Northwest Clinical Law Conference, Warm Springs, OR, October 7-9, 2016
ELC Student Presentations at Unlocking UW: UW Resources to Support Inclusive Innovation, Oct. 7, 14, 21, 28, 2016.
Youth Law Task Force CLE: Oct. 14, 2016, South Seattle Community Center
Tax Clinic CLE: Dec. 9, 2016 at Davis Wright Tremaine
In 2015, the Legislative Advocacy Clinic received Honorable Mention for the Clinical Legal Education Association’s (CLEA) “Excellence in a Public Interest Case or Project Award” based on their success in passing a bill to compensate the wrongly convicted in Washington State. Under the leadership of Director Lara Zarowsky, the Legislative Advocacy Clinic works closely with Innocence Project Northwest Clinic exonerees to address fundamental shortcomings in the criminal justice system. In doing so, the Clinic has educated the legislature and the citizenry about the pressing need for reform on the bills it has lobbied: (1) compensating exonerees for the years they spent in prison for crimes they did not commit; and (2) preventing destruction of biological evidence.

The Clinic’s advocacy is not limited to passing legislation. The Clinic has advanced, through working groups and collaborative efforts with other stakeholders in the criminal justice system, policy reforms to prevent conviction of the innocent based on eyewitness misidentification, false confessions, unreliable jailhouse informant testimony and flawed forensic science.

Thanks to the efforts of the Legislative Advocacy Clinic, Washington State now has a comprehensive wrongful conviction compensation statute. The law provides $50,000 per year of wrongful incarceration and $25,000 per year spent wrongfully on parole, in community custody or as a registered sex offender. It also includes payment of child support accrued during wrongful incarceration and provides the wrongly convicted with re-entry services and tuition waivers to state universities and colleges. When signing the bill in May 2013, Governor Jay Inslee said, “While the impact on the person and his or her family cannot be quantified, some measure of compensation will help those wrongly convicted get back on their feet.”
Creative Approach to Helping Foster Kids Secure Right to Counsel at Public Expense

The Children and Youth Advocacy Clinic provides representation for children seeking the appointment of counsel in dependency proceedings, unaccompanied minors who are fleeing dangerous conditions in their home countries, and youth struggling with homelessness. With the support of Equal Justice Works Fellow Alicia LeVezu, the clinic has taken a multi-faceted approach to advocating for the rights of foster youth to have court-appointed counsel at public expense in abuse and neglect cases. The clinic filed Motions for Appointment of Counsel at Public Expense on behalf of 16 individual foster youth. Some motions were successful and other resulted in cases currently before the Washington State Court of Appeals considering a child's due process rights in abuse and neglect cases.

One case filed by the clinic in the summer of 2015 proved so alarming to the status quo that the local county sought and received intervention into the motion, in an attempt to block appointment of an attorney. After extensive briefing and heated argument, the trial court denied the young woman's request for appointment of an attorney. The clinic recruited a local legal services organization to serve as co-counsel on a Motion for Discretionary Review with the Washington Court of Appeals. Not only did the court accept review of the decision, but they allowed the appeal to go forward on the constitutional questions even after the underlying case was dismissed. The team was then able to recruit six different amici to file briefs in support of the young woman's right to appointed counsel. Oral argument on this appeal is set for November. Together, these cases have a potential to impact every foster child's access to justice in Washington State.

The Clinic students and our EJW Fellow conducted a comprehensive court observation study, examining how children are represented and participate in their child abuse and neglect cases. This six-month study demonstrated that children in Washington's abuse and neglect courts are often left without any advocates and sometimes not even mentioned in the court proceedings that control their lives. After reviewing the results of this study, the Seattle Times Editorial Board called on the state legislature to appoint legal counsel to all foster youth. To read more about this issue, click on the following link: http://bit.ly/2c5sVym

Student Brief and Appellate Oral Argument Leads to Victory

Tribal Court Public Defense Clinic students, Ryan Jones ’17 and Jason Gelfand ’17, contributed to legal briefing and presented oral argument on appeal that resulted in reversal of their client’s conviction for Violation of an Exclusion Order in the Tulalip Tribal Court of Appeals. Both students worked tirelessly with Tribal Court Public Defense Clinical Faculty Molly Cohan, Brenda Williams and staff attorney Kate Benward.

The Tulalip Tribal Court of Appeals heard oral argument on May 13, 2016. The students successfully argued that the Tribes presented insufficient evidence at trial to establish that their client committed the criminal offense of Violation of an Exclusion Order. Specifically, they argued that service of a petition (and not the actual order of exclusion) communicating the Tribes' intent to exclude the defendant, was insufficient to provide actual notice. The court concluded that without knowledge of the order of exclusion, the crime of violation of an exclusion order was not committed. The three-judge appellate panel focused questions during oral argument on the absence of evidence presented by the Tulalip Tribes' prosecuting attorney at trial and the specific requirements of the Tulalip Tribal Code's exclusion statute.

Both Ryan and Jason felt fortunate to have had this opportunity to participate so fully on a winning appeal this early in their legal careers. Being able to have an impact on their client’s life was even more rewarding.
On December 2, 2016, Innocence Project Northwest (IPNW) welcomed home its 14th exoneree in Washington. Donovan Allen was freed after spending nearly 16 years in prison for a murder he did not commit. The victory represented a five-year effort by IPNW faculty, staff and clinic students to free Allen, who had been arrested as a teenager and was serving a sentence of life without parole. Clinic students Michelle Modic ‘12 and Heather Hightower ‘13 began investigating the case under the supervision of IPNW Director Anna Tolin in 2011. In the spring of 2015, Lauren Connor ‘15 and Maureen Johnston ‘15 successfully argued a Motion for Post-Conviction DNA Testing. When the exonerating results came in, Richard Devenport ’16 worked with Tolin to prepare a motion for new trial and ultimately obtained agreement from the prosecutor to vacate his conviction. The entire IPNW team, as well as students Sara Alavi ’16 and Amanda Hailey ’16, provided critical support. Clinic students worked with and presented evidence from an expert in false confessions, Professor Steven Drizin at Northwestern Law School, and DNA scientists Philip Hodge, Brittany Noll and Dr. Gary Shutler at the Washington State Patrol Crime Laboratory to establish their client’s innocence.

The stories of IPNW’s clients frequently receive media attention, but in February KXLY TV, an ABC affiliate in Spokane, WA presented a weeklong special report series on the Innocence Project Northwest and the resource it provides in Washington, featuring interviews with IPNW exoneree Ted Bradford, clinic students Chelsea Hager ’16 and Richard Devenport ’16 and IPNW Director Anna Tolin. Inspired by the Netflix series “Making a Murderer,” producers focused on efforts to help innocent prisoners in Washington State and the impact that students in the IPNW and Legislative Advocacy Clinic are making to reform criminal justice in Washington.

On May 12th, Innocence Project Northwest hosted its annual Stand for Innocence Benefit & Awards Dinner. The event celebrated the 14 men and women freed by IPNW in Washington who collectively served over 100 years in prison for crimes they did not commit, honored pro bono partners who support the program’s work and welcomed back many clinic alumni. A highlight of the night was the moving keynote address by Anthony Ray Hinton. Exonerated in 2015 by lawyers with the Equal Justice Initiative, Hinton spent 30 years wrongfully convicted on Alabama’s death row. With tremendous grace and conviction, he spoke about the suffering that comes from wrongful imprisonment. Hinton inspired hope of healing in his fellow exonerees and called on the lawyers, students and community leaders in the room to keep fighting to improve our criminal justice system.

In April, faculty, students and staff with the Innocence Project Northwest and Legislative Advocacy Clinics traveled to San Antonio, Texas to participate in the International Innocence Network Conference. Joined by seven IPNW Exonerees, the UW group convened with over 600 representatives of Innocence Network member organizations, law schools, public interest lawyers, public officials and exonerees from around the world. Presentations included Professor Jacqueline McMurtrie on Innocence Scholarship and Peter Moreno with student Duffy Romnor ‘17 on Effective Use of Students in Innocence Clinics at the conference. Anna Tolin spoke about Evaluating and Litigating DNA Results as a representative on the Innocence Network’s Complex DNA Working Group.

In September, Innocence Project Northwest joined the Washington Defender Association and King County Department of Public Defense to host a three-day training at UW School of Law for Washington’s felony public defense and capital practitioners titled “Investigating and Defending Homicide and Death Penalty Cases.”
Entrepreneurial Law Clinic Celebrates 10th Year

The Entrepreneurial Law Clinic (ELC) is an innovative clinic serving entrepreneurs throughout the Pacific Northwest. We provide critical early-stage legal and business counsel. Through a comprehensive audit memo process, these students assist clients with forming legal business entities, contract review and negotiation, drafting trademark registrations and patent applications and other entrepreneurial matters. Under this approach, the ELC provides innovators with cost-effective means of assessing their legal and business goals while allowing students to gain experience in critical fields such as intellectual property (IP), corporate and securities law and tax.

This year the ELC is celebrating its 10th anniversary. In ten years, the clinic has assisted 295 microenterprises, high tech ventures, nonprofit and social ventures and CoMotion spin-offs. Students were able to help on the following matters:

1. SignAloud, a device that detects and interprets American Sign Language into English, was awarded the 2016 Lemelson-MIT Student Prize, an award given to the country’s most innovative college and graduate students. The company received assistance from the ELC with matters related to the formation of their business and patentability analysis.

2. Landesa, a nonprofit organization that seeks to empower disenfranchised individuals in developing countries through land ownership and associated rights, received assistance from the ELC with regard to business considerations, tax and corporate legal matters.

3. The ELC provided legal consultation to GiveSafe, a startup that facilitates cashless charitable giving through Bluetooth-enabled technology. GiveSafe received assistance with regard to business law and IP.

The clinic allows law students to work in an interdisciplinary capacity with business students and professionals to help entrepreneurs in need access legal services.
Students Address Inequities in the Criminal Justice System

Students in the Tools for Social Change: Race and Justice Clinic take a multi-faceted approach to reducing the over-representation of youth of color in the juvenile and adult criminal justice systems. Through direct representation, community education and engagement and policy advocacy, students work creatively to address systemic problems that continue to lead youth of color to prison at disproportionate rates. From advocating for middle and high school students who have been expelled, to representing adults who received excessive sentences when they were children, clinic students are exposed to how the justice system is or isn’t working for many communities from beginning to end.

On the front end, Race and Justice students worked with clients on issues that were important to their success. They assisted a youth in advocating for his right to language access in disciplinary proceedings and worked with a student organization for curriculum that addresses their culture. On the front end of the criminal justice process, clinic students partnered with a community group to help start the Northwest Community Bail Fund, the first of its kind in Washington State. Bail practices disproportionately affect people of color, forcing people who have not been convicted of a crime to remain incarcerated and risk losing employment, housing and even their children in order to exercise their right to a trial. This new community endeavor will help poor individuals arrested for misdemeanors get out of jail while awaiting trial, and will also shine a light on a broken system.

Working on the other end of the system, students obtained relief from over $40,000 in debt imposed years ago against a young person while she was in foster care and had committed a juvenile offense. The debt followed her, preventing her from sealing her juvenile record, obtaining housing for her family and meaningful employment. The students filed motions under a new law, a law that was passed because of the work of previous UW Legislative Advocacy Clinic students. In 2015, Legislative Advocacy Clinic students successfully lobbied Senate Bill 5564, the Youth Equality and Reintegration Act, with help from the testimony of clients from the Race and Justice Clinic. In 2016, Race and Justice Clinic students used the new law to get relief for their client. It was powerful for students to see how their work in the UW Clinical Law program made a critical difference both systemically and individually in the lives of vulnerable young people in Washington State who could not move on because of their juvenile record. The issue was recently reported, and Professor Kimberly Ambrose was quoted in the San Juan Islander article “Youth face big consequences if they can’t pay Court costs.”

"Working with the Race and Justice clinic has been the most impactful experience I’ve had in law school. I had the opportunity to zealously advocate for a client in creative and innovative ways, and work with youth organizers on broader policy changes within their school. In both instances I learned important lessons and skills about being a social justice lawyer and the role I hope to play in advancing justice.

- MARTINA KARTMAN ’17

Publications

Lisa Kelly and Alicia LaVeuz, Until the Client Speaks: Reviving the Legal Interest Model of Representation for Preverbal Children, Family Law Quarterly’s upcoming symposium issue on Ethics and Access to Justice.

Alejandra González delivered her manuscript, The American Convention on Human Rights: Essential Rights (with Thomas Antkowiak), under contract with Oxford University Press.


Presentations

William Covington, Driverless Cars, General Government and Information Technology Committee, Technology & Economic Development Committee and Transportation Committee, Washington State Legislature, (September 2016).

Jennifer Fan, Catching Disruption: Regulating Corporate Venture Capital, Legal Scholar’s Roundtable, Korea Legislation Research Institute, Seoul, South Korea. (September 2016).


Alicia LaVeuz, Ethical Representation of Youth at Shelter Care Hearings, Children’s Justice Conference, Spokane (May 2, 2016).

Alicia LaVeuz, Children and the Law, Trina Grillo Public Interest Retreat’s Las Vegas, NV (March 2016).


At the Federal Tax Clinic, we are able to assist a great deal of low-income taxpayers who have disputes with the IRS thanks to our legal community. Core to our mission is to educate law students (both J.D. and LL.M.) through actual hands-on application of the law. This fall, we will begin another school year and have approximately 14 UW J.D. and LL.M. students enrolled in the year-long clinic. In addition, we are fortunate to have some JD students from Seattle University School of Law who are enrolled in the Federal Tax Clinic as part of a clinic exchange between the two institutions.

To enhance the impact we have on the community, we also support students who return to volunteer after taking the clinic or other students who simply want to volunteer their time. Currently, there are 10 volunteer students working in the clinic. We also collaborate with lawyers in the community who volunteer their time to work cases on their own or assist the clinic by giving advice or presenting at forums. We currently have 47 volunteer attorneys who range from partners in law firms to newly sworn in attorneys. With the help of volunteer CPAs and interpreters, we are able to provide full-service to clients in need.

In the first half of 2016, 313 cases with 720 case issues were worked. $35,108 was refunded to taxpayers and $2,004,592 was the total decrease in corrected tax liabilities, penalties and interest. These numbers would not be possible without the extensive support of the tax community. We also conduct outreach to the community, provide assistance to unrepresented taxpayers at US Tax Court and conduct CLEs in order to show students they can make a difference in client lives in a variety of ways.
Over the last year, students in the International Business and Human Rights Clinic gained substantive knowledge about the emerging field of business and human rights and developed critical legal skills such as interviewing, counseling, negotiation, media advocacy, legal research and brief drafting.

Three students worked to promote clean supply chains in Washington state procurement, engaging with various stakeholders to design recommendations for including international human rights protections in existing regulation. They worked closely with the International Corporate Accountability Roundtable (ICAR), a coalition of human rights, environmental, labor, and development organizations that promotes global corporate accountability. After analyzing state, federal and municipal legislation, as well as multi-stakeholder initiatives and internal corporate policies, students conducted several interviews with procurement officials, legislators and other actors to promote the inclusion of international human rights standards in procurement. They drafted an initial set of findings and recommendations, and presented them during the ICAR Sixth Annual Meeting in Washington, DC. After the conference’s robust discussions and productive feedback, the Clinic will introduce our recommendations to the Department of Enterprises Services (DES).

With the objective of promoting the adoption of the United Nations Guiding Principles on Business and Human Rights by corporations, three other students collaborated with Business for Social Responsibility (BSR). BSR is a global nonprofit organization that advises a network of more than 250 member companies on how to integrate sustainability into their strategies and operations. Students helped BSR prepare for a meeting of the Human Rights Working Group held in London and Tokyo in March 2016. Clinic students prepared materials on corporate accountability mechanisms and leading cases on corporate accountability from domestic and international jurisdictions. Students also provided BSR with initial research on international standards on an indigenous community’s right to free prior and informed consent for indigenous peoples in Honduras. EDLC is a non-profit organization that works to protect the human rights of individuals and communities in developing countries who are fighting against harm to their environment. Students worked with EDLC on a claim to be presented before a development bank on behalf of the Civic Counsel of Popular and Indigenous Communities in Honduras (COPINH). The complaint addresses the role of corporations and financial institutions in the Agua Zarca dam project, which has seriously violated the rights of the Lenca community. The project uses creative advocacy to fight impunity and achieve corporate accountability.