
CLINIC HAPPENINGS

HUSL CLINIC VOLUME NO. 5 ISSUE NO. 2

April 2007

Fall 2006 In Review

CHILD ADVOCACY CLINIC

The law students who took the Fall 2006 semester faced an unusual challenge as the incoming cases were less than ever known in this Clinic. However, the students faced this challenge by also working on various projects. **Chris Friesell, Jennifer Lewis Kannegieter, Ericka Obermeier** and **Breanna Ackley** did legal work with the Ramsey County Attorney's Office in preparing tests on Rule 20 for juveniles who were incarcerated.

The students worked in teams.

Breanna Ackley and **Chris Friesell** teamed up to provide legal representation to a Guardian Ad Litem (GAL) on an Indian Child Welfare Act (ICWA) case. In addition, they acted as the GAL for two young girls who were placed in a pre-adoptive placement. As part of their involvement with the children, they went on a shopping trip to purchase "culturally appropriate" Barbie dolls for the girls. The tasks are many and varied to address the best interests of children!

Lindsay Brice and **Rachel Thorson** were a dynamic duo as they successfully won SSI benefits for a young man who had special needs. They prepared all of their exhibits and documents for the appeals hearing and on the day of the hearing, they were told that they won the appeal immediately after their introduction. Clearly, trial preparation is important as their preparation won their case for them.

Tiffany Doherty-Schooler and **Jennifer Kannegieter** represented GALs on cases involving children in custody. All of their cases involved providing legal representation to the GALs. They had four

different GALs who they represented. Tiffany and Jennifer will make excellent attorneys!

Volha Andreyeva and **Ericka Obermeier** worked on a variety of cases. They represented two GALs as well as acted as a GAL for three boys. In addition, they learned that although some cases may be ultimately rejected, a lot of work goes in to the client interview and assessing the case.

The Student Director for the fall was **Crysta Parkin**. Crysta worked many hours on behalf of clinic clients. She also provided back up and support to the law students who were in the Child Advocacy Clinic. Unlike the teams, who are assigned 3 to 4 cases at a time, Crysta handled 15 open cases, several follow-up interviews and many other administrative duties. Crysta Parkin is amazing!



Fall 2006 Child Advocacy Clinic Students wrapping up the semester. L to R: Back Row: Chris Friesell, Ericka Obermeier, Breanna Ackley, and Volha Andreyeva. Front Row: Student Director Crysta Parkin, Professor Mary Jo Hunter, and Rachel Thorson.

EDMR Clinic

Michael Garvin, Katie Kneissel, Chi Lam, Natasha Martin and Daniele Cutolo comprised the EDMR (Employment Discrimination Mediation Representation) Clinic during the Fall 2006 semester. The Clinic is led by Professor Joe Daly.

These students had a pretty successful semester overall.

Chi Lam and Michael Garvin's client believed that she was not given a promotion and raise because of her race because she had good performance reviews but the company chose to promote several white women instead. This was a tough case for the students to prove, but eventually the case settled in favor of their client for \$11,000. In addition, the client decided to quit her job and took a job in a similar industry for better pay and a promotion. Professor Daly noted that this case shows how, even with hard facts, you can get a good resolution if your genuinely represent your client.

Chi and Michael also represented a woman who believed she was terminated due to her age. She had worked at the company for many years when the company began laying off many people. The company claimed that the layoffs were for economic reasons, but it was alleged that the company was getting rid of its higher paid long-term employees. Chi and Michael helped the client get an \$18,000 settlement, but not her job back; however, she did find another job.

Natasha Martin represented a man who was terminated for allegedly falsifying FMLA (Family Medical Leave Act) paperwork regarding a doctor visit for his daughter. The client believed he was terminated because of race. At the time, this company was downsizing due to the economy as well.

Natasha helped her client prove that he did take his daughter to the doctor, but simply wrote the wrong date on the form, and got a note from his daughter's doctor to verify his claim. In the end, the company dropped the case and the client got his job back in addition to receiving \$800 for the time he was out of work.

Natasha and Katie Kneissel had the opportunity to represent a research employee who worked for an international company. The client believed he had been discriminated against because of his religion. The students spent a great deal of time counseling their client and helped with three mediations. Despite all the mediations, the client walked away from mediation and the case did not settle; but the client started a new business with his wife.

Katie and Daniele Cutolo represented a man who believed that he was the victim of sexual harassment. This case is an example of how women are not the only victims of sexual harassment. The case settled for \$30,000 and the client found a new job elsewhere.

Professor Daly stated that he admired the "stick-to-it-iveness" of these students on cases that were outside the "normal" realm of cases. He also thought that the students' work shows that with hard work, cases that don't initially look strong can become strong cases. There are no clear cut discrimination cases – particularly when corporations are trying to improve their economic position, situations can be perceived as discrimination and in those cases the lawyers (or student lawyers) have to work hard on the facts of the case.

Immigration Law Clinic

Leah Gaworek, Rachel Horne, Carrie Skrip and **Sonny Zahn** made up the Immigration Law Clinic for the Fall 2006 semester. The clinic was taught by Susan Jorgenson-Flores, staff attorney at the Immigrant Law Center.

Rachel Horne helped a client apply for legal permanent resident (LPR) status. The client was a woman from Africa who came to the U.S. under a student visa. While she was studying here, she married a U.S. citizen who was helping her with her application to move from being a student visa holder to a LPR. When her husband decided not to continue to help her with her application, she came to the Immigrant Law Center and clinic students for help. Because of the extreme physical and emotional abuse that occurred in the relationship with her husband, she qualified under the Violence Against Women Act to be able to self-petition for LPR status. Rachel helped the client compile supporting evidence and affidavits to submit with her application. The client received a prima facie finding of eligibility for LPR status from immigration, but is still awaiting a final decision on her case.

Sonny Zahn helped a client file family petitions. The client, recently sworn in as a citizen thanks to the help of the Immigrant Law Center, wished to bring his mother and six siblings from Mexico to the U.S. None of his family had been to the U.S. At the close of the semester, the client's mother's petition had been approved, but his siblings' cases will continue to be pending for several more years.

Leah Gaworek, Carrie Skrip, Rachel and **Sonny** helped on a case in which the criminal justice system interacted with the immigration system. The client in this case had been granted asylum, but this status was put at risk when criminal charges were filed against him. When the charges were affirmed, he was

stripped of his asylum status and the students had to petition the court to withhold his removal. The petition to withhold removal was challenging to prove as conditions in his home country of Liberia had changed considerably since he had left. To prove the petition, the students needed to show that it was more likely than not that his life or liberty would be at risk if he were forced to return to Liberia. In the end, the students were successful and the petition was approved. The client is not removable from the U.S. and should be receiving his work permit soon.

Small Business/Non-Profit Clinic (Weekday)

Steph Angolkar, James Dickinson, Sarah Hollinger-Qureshi and **Tricia Niebuhr** made up the Weekday Small Business/Non-Profit Clinic for the Fall 2006 semester. The clinic was taught by Professor Cathy Deal.

Steph Angolkar and **Tricia Niebuhr** worked on a case involving issues related to charitable activity overseas. The client was a charitable organization that conducts work projects in foreign cities and villages using visiting volunteers. The students primarily researched issues including regulatory limitations on finding onsite projects, limitations on donor earmarking of donated funds for a specific villager's care, oversight requirements for capital construction of a well in a town, IRS prohibition of and permission for redirection of charitable resources to new projects not initially requested by applicant villages, and the relevance of new anti-terrorist prohibitions by the IRS.

James Dickinson and **Sarah Hollinger-Qureshi** worked with a client who is a solo business person. The students designed and modified consultant contracts for the client.

HUSL Clinic

Initially, they advised the client about the pros and cons of choice of entity – either a Subchapter S Corporation or a Limited Liability Company. Then they research immigration law concerning her continued use of a foreign national to design software for her business.

State Public Defender Clinic

Christopher Anderson, Jilliane Brandt, David Hemming, Rachel Kraker, Brian Liefeld, Kristen Maul, Kate Murtaugh, and Dana Sonbol made up the State Public Defender Clinic for the Fall 2006 semester. The clinic was taught by Cathryn Middlebrook, Assistant State Public Defender, who was assisted by Student Director **Leah Gaworek**.

The State Public Defender Clinic pairs students with attorneys at the State Public Defender's Office. The students have the opportunity to work on 3-6 files, all of which are criminal cases at the appellate level. As part of the clinic, the public defender's try to get each student out to one of the prisons to interview a client.

Perhaps the most interesting case of the semester was with a client who was convicted of writing bad checks and sentenced to probation. The client's probation was revoked and he was sent to prison. The client's probation was revoked for failing to pay restitution; however, the client was on SSDI and wasn't able to make the restitution payments due to his limited income. In addition, the client is over 60 years old, in bad health, and wheelchair bound – thus, posing no threat to society. The Minnesota Supreme Court has established a specific process that must be followed when revoking probation in cases like this, and the client appealed his probation revocation. The student worked on a motion to have the client released pending

Fall 2006 In Review

appeal. This motion is almost never granted, but thanks to the student's work, it was this time. The student also worked on his appellate brief regarding the probation revocation. The Court of Appeals ended up reversing the trial court's decision to revoke the client's probation and it has been returned to the trial level to go through the procedure the Supreme Court has specified for revoking probation.

Trial Practice Clinic

Mordecai Fayas, Lindsey Basse, Sara Thome, Dan Sagstetter, Paul Haske, and John Reid made up the Trial Practice Clinic in Fall 2006. The clinic was taught by Clinic Professor Angela McCaffrey.

Mordecai Fayas and Lindsey Basse represented a factory worker accused of threatening another co-worker. They proved in the hearing that another co-worker stood between the two and that no threat was made. They also proved that the company failed to thoroughly investigate. The students worked through interpreters to investigate and try the case and were able to secure unemployment compensation benefits for their client.

Mordecai Fayas and Lindsey Basse also secured unemployment compensation benefits for another employee who worked for a company that kept decreasing her hours. Finally, her hours were so low she applied for and was hired for a new position. She quit the first job anticipating the second job. When the second job fell through she was denied unemployment benefits because she quit the first job. Mordecai and Lindsey proved at trial that she quit for better employment and should not be disqualified from receiving unemployment compensation benefits.

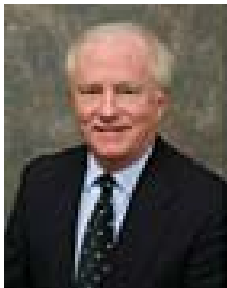
Sara Thome and **Dan Sagstetter** represented a nursing home employee who was fired for falling asleep on the overnight shift. They proved at trial that she probably did not fall asleep on the job. She was sitting down for just a few minutes after all work was complete. Due to a prior warning for falling asleep, she was very careful not to fall asleep. The judge decided that even if she had fallen asleep momentarily, it was a single incident without adverse impact upon the employer and thus she should not be denied unemployment benefits.

Paul Haske and **John Reid** represented a person who was fired for working too slowly and denied unemployment compensation for misconduct on the job. Paul and John proved at trial that his behavior constituted simple mistakes due to inability and good faith errors in judgment rather than intentional disregard of his employer's interest. Therefore, he was qualified for unemployment compensation while he looks for a new job.



Trial Practice Clinic Students. L to R: Back Row: Dan Sagstetter, Sara Thome, Lindsey Basse, and Paul Haske. Front Row: Mordecai Fayas and John Reid.

CONGRATULATIONS!



Hamline University School of Law Professor **Joseph L. Daly** (left) was named among the "Top 40 Alternative Dispute Resolution Attorneys" by Law & Politics (April/May 2007).

CLINIC STAFF

Vickie Jauert has a B.A. in History from the University of Minnesota – Morris and is a current member of the UMM Alumni Association. She graduated summa cum laude on May 21, 2005 from Hamline University with a Master of Arts in Public Administration.

Vickie has been the Administrator of the Hamline University School of Law Clinic/Skills Program for 18 years. Vickie served two years as Administrative Staff Association Representative at Large to the University Council, and also served as Vice Chair of the ASA Executive Committee in 1998-1999 and Chair 1999-2000. She also participated in the Hamline University Ambassador Program in 2005-2006.

Vickie and her husband Ron Allen have two children, John, 19 and Jason, 12. Their favorite past time activity is camping in Ely and fishing.

Katrina Kaiser is the Clinic Legal Secretary. She has a B.A. in Psychology, a Minor in Anthropology, and a Certificate in Forensic Science from Hamline University. Katrina just bought a home in North Saint Paul. She has an orange tabby cat named Nala.

Rayna Olson is the clinic student worker. She is currently a sophomore at Hamline University and is pursuing a major in Art History. In Rayna's spare time, she enjoys art, knitting, and hiking, among others.