

ALBUQUERQUE CRIMINAL LAWYER BLOG

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Turn Law Students Loose on the Poor: It's Good for Them Both?

It has been widely reported that law school clinics across the country are under attack by corporate interests. It seems that many corporations take offense to the fact that law students are taking on cases against corporate interests. In many cases, these law clinic students take on the causes of the poor that could not afford legal representation otherwise. There has been little support coming from government officials to protect these programs. There are no campaign contributions to gain from that position.

There is on the other hand plenty of money to go around to prosecute the poor. Governor Richardson announced a program complete with \$150,000 funding to UNM School of Law to offer law students hands-on training in the prosecution of DWI and Domestic Violence cases. Where funding is under attack for programs to help the poor both in law clinics and public defender programs across the nation, there seems no shortage of money for the prosecution of the poor who are particularly hard hit by domestic violence.

Domestic violence in particular is a large portion of any public defender caseload. Public defenders are grossly underfunded as it is with enormous caseloads of indigent defendants. Now they have the added burden of dealing with students who will receive the full support of their professors, those same professors whose approval may drive excessive zeal in their prosecution of cases, despite the merits of the case. Public defenders are already greatly out-gunned by the resources of the prosecution. It makes perfect sense to now provide free labor and full access to law school resources to further overwhelm them.

Why does this matter? An article in the Albuquerque Journal quotes one individual who laments the day that she was unable to talk an alleged domestic violence offender out of prosecuting her husband. Of course, the article fails to mention the fact that many alleged victims immediately regretted the call to the police. On many occasions, the alleged victim will tell the police on arrival that nothing happened and they called because they were upset, stressed, jealous, angry, insecure, or any number of reasons not suggestive of domestic violence. The police will generally arrest one of the parties anyway as a matter of policy.

Also as a matter of policy, many New Mexico prosecutors will not reassess the case and dismiss the charges once it is apparent that there was no act of domestic violence. They will not dismiss the charges even when the alleged

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victims tell them in no uncertain terms that they are not victims of domestic violence. They will not dismiss when the alleged victim provides written statements, recorded statement, and even comes to court to explain to the prosecutor in person that there was no domestic violence. They will not dismiss when the victim cries, "I am not a victim."

It is reported that the UNM Law School program will be both beneficial in training budding prosecutors as well as greatly aiding the overburdened prosecutors offices. Here's a thought on the latter, perhaps prosecutors could evaluate the cases and get rid of the cases that clearly have no basis. That might help their caseload?

Not everyone that comes to court is a true victim, and not every named defendant is predator. I'm no genius but it seems a good place in trying to discern the true victim and predator is to ask the alleged victim. Of course, the experts on domestic violence disagree. Instead, the alleged victim needs to be convinced that she is a victim. There really is no better place for learning the art of persuasion than law clinic. We just don't want to waste that art on the poor.

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