In September, a new group of law students began their clinic experience at the Allegheny County Office of Conflict Counsel. This year all are in their final year of law school. They actively represent both juvenile and adult criminal defendants from arrest through appeal.

The first few weeks of the clinic were spent acclimating students to the criminal court system in Allegheny County. They toured the County Courthouse and visited several court offices. During the courthouse tour, the students met several judges and various courthouse personnel. In addition, the students toured the Allegheny County Jail where they actually went inside an inmate’s cell, learned about the inmate employment and religious programs offered at the jail, and met with a jail guard and a representative of the jail education system. Later, at the office, the students were introduced to several computer programs and electronic docketing systems that are widely used in criminal litigation.

After the students were familiar with the basics, they began to work on individual cases. Over the last few months, all of the students have had the opportunity to draft pre-trial motions and attend numerous court proceedings. In addition, each student is responsible for conducting client interviews by phone or in person at the jail. Lastly, the students routinely interact with the prosecutors and fellow defense attorneys during trial preparation.

Professor Bruce Antkowiak teaches the substantive portion of the course. Attorneys Richard Narvin and Kirsha Weyandt (L’06) supervise the students in the Criminal Advocacy Clinic on site.

Students Participate in Matrimonial Inn of Court

Dawn Gull, Esq., L’96, President of the Matrimonial Inn of Court, extended an invitation to have students from the Law School participate in their program. Professor Vanessa Browne-Barbour successfully recruited six (6) students to participate during the 2010-2011 programming year. The students are past and present participants of the Civil & Family Justice Law Clinic or the 2010 Summer Fellowship Program.

Students participating will interact and network with judges and family law practitioners from Allegheny, Butler and Washington Counties. Ms. Gull has designed the program to allow each student to attend and help present one substantive program during the session. The students will also be assigned a mentor, and students will participate fully as any other Inn member. They will participate in the preparatory meetings and will also be assigned or volunteer for a portion of the work in putting the program together. The students will then attend the program in which he or she was involved. We are extremely grateful to Ms. Gull and the members of the Matrimonial Inn of Court for providing such a wonderful opportunity for our students.
Civil & Family Justice Law Clinic Newsletter Update

Supervised by Professor Vanessa Browne-Barbour

As the fall 2010 semester commenced, the Civil and Family Justice Law Clinic ("CFJLC") class welcomed 16 new law students to become certified legal interns ("CLI"). As CLIs, students are approved by the Pennsylvania Supreme Court to provide legal services to economically disadvantaged and other underrepresented individuals through placements with Kids Voice, Pro Se Motions, Allegheny County Law Department, Parent Advocates, and Neighborhood Legal Services Association ("NLSA").

At Kids Voice, our CLIs gain practical legal experience in representing abused and/or neglected children in dependency and delinquency issues. Their representation includes participation in all aspects of child advocacy from intake through appearances before hearing officers and judges in the Family Division in the Allegheny County Court of Common Pleas. At Pro Se Motions, our CLIs interview pro se litigants and assist with preparation of motions. Following service of the motions, the CLIs argue the motions before various Family Division judges. The Pro Se Motions Department relies upon our CLIs to assist in managing the volume of pro se litigants who seek access to the court. At Parent Advocates, our CLIs represent parents of dependent and delinquent children, some of whom are facing termination of parental rights. In the Allegheny County Law Department, our CLIs gain practical legal experience in seeking payment of child support obligations through drafting motions, exceptions and arguing those motions and exceptions before hearing officers and judges. At NLSA, our CLIs gain practical legal skills through, among other things, in-court representation of clients, client interviews, negotiations, as well as drafting motions, client letters, and briefs.

During the academic year, our CLIs will assist several hundred clients with various family law and other civil matters, including support, custody, dependency, delinquency, landlord/tenant, bankruptcy, and protection from abuse issues. The CFJLC provides an invaluable service to our students, the community, the courts, and the University.

Update on Bill of Rights – Civil Rights Litigation Clinic: From Supervising Attorney’s View

The Civil Rights Clinic affords students the opportunity to represent clients in a variety of settings. Last year, students actively participated in cases relative to both state and federal law, specifically advocating employment and housing discrimination claims before a state agency enforcing the Pennsylvania Human Relations Act and the Equal Employment Opportunity Commission enforcing federal anti-discrimination statutes. Students also have the opportunity to advocate in federal courts advocating prisoners’ claims of violations of the Bill of Rights.

Individually, clinic students meet with prospective clients advancing employment and housing discrimination claims. Through client interviews, students screen potential cases and, in some instances, engage in active client representation ranging from “letter writing campaigns” to submission of charges of discrimination to various responsible agencies including the PHRC and the EEOC.

In addition to these individual activities in employment and housing discrimination cases, students work in small groups to represent clients in federal court proceedings. They work pursuant to the student practice rules of the U.S. Court of Appeals for the Third Circuit and the U.S. District Court for the Western District of Pennsylvania. During the 2009-2010 academic year, clinic students handled two such prisoner civil rights cases.

In the district court, students represented a prisoner in connection with the preparation of an amended complaint and a subsequent brief in opposition to a motion to dismiss. The prisoner’s First Amendment case partially survived a motion to dismiss and, during the coming academic year, students in the clinic will continue the representation of the inmate plaintiff in connection with discovery and summary judgment proceedings. This work will include the taking of depositions by clinic students.

Additionally, during the spring 2010 semester, clinic students prepared and filed briefs in a Third Circuit case raising issues as to the exhaustion requirement of the Prisoner Litigation Reform Act. This work culminated in the presentation by a Duquesne student of oral argument to a three-judge panel of the Third Circuit.

During academic year 2010-2011, it is anticipated that the Third Circuit program will expand somewhat with the clinic taking on two Third Circuit cases. Duquesne is one of the few law schools in Pennsylvania that offers students the opportunity to engage in such activities in actual cases pending in federal court.
Update on Bill of Rights – Civil Rights Litigation Clinic: From the View of Students

Academic year 2009-2010 was especially busy for the Duquesne University Bill of Rights Clinic. Not only did interns and supervising attorneys of the Clinic work with the Pittsburgh Chapter of the NAACP, but also they began representing two prisoners in cases in federal court. One prisoner case has reached the Third Circuit Court of Appeals. The other case is in the United States District Court for the Western District of Pennsylvania. One was based on First Amendment retaliation in the prison setting.

All students in the Clinic had the opportunity to research the relevant legal issues. Two students were able to accompany Supervising Attorney Adrian Roe to the prison to interview the client face-to-face.

“Visiting the prison was by far the highlight of my school year,” says third year law student Ashley Owens. “I had never been in a prison before, let alone a maximum security one. It was interesting to interview a client while being observed by guards behind two-way mirrors and filmed by multiple security cameras. It was a great life experience – one I’ll never forget.”

The Fall 2009 semester concluded with a status conference with Magistrate Judge Lenihan and the filing of a second amended complaint drafted by clinic interns. The Spring 2010 semester brought new concerns for a fresh group of students enrolled in the Bill of Rights Clinic. Over winter break, the opposing party had filed a motion to dismiss the second amended complaint, and the deadline to file a responsive brief was approaching. A team of interns again began researching the relevant legal issues and drafting a brief.

“Even though we had seen some First Amendment issues in our core coursework, much of the research we did was new to us,” third year law student Amber Resetar said. “Most of us had never dealt with a § 1983 issue, so it certainly stretched our boundaries of knowledge. But with the guidance of the complaint filed by the students last semester, the research process, though lengthy, was smooth.”

Interns organized into teams to tackle individual legal issues. Finally, about a week before the brief was due, all intern teams combined their work into one large brief. The editing process took several days, and the end result reflected the hard work of all interns.

Reflecting on his involvement with the case, third year law student Michal Joyce stated, “The Clinic has allowed me to explore areas of the law that I may not be able to revisit during my legal career. There is no formal examination at the end, but it is a semester-long personal test on a student’s ability to deal with heated topics, explore varying legal issues and apply abstract substantive law courses to reality. The Clinic combines compassion for the plight of human beings with the objective eye of an attorney in training.”

The possibility of participating in oral arguments before a federal magistrate was immediately attractive to Jaimie George, L’10. “I think it’s extraordinary that as a participant in the Clinic I may be able to go before the magistrate and present an oral argument. It is an opportunity that is otherwise unavailable to law students. I think the team has developed some terrific and innovative arguments, so the oral argument should be a profound experience for the student who delivers it.”

Despite the hard work and time commitment of the Clinic, the students are pleased with the experience. Ben Knauff, a third year law student, summarizes his clinic experience: “Participating in the Bill of Rights Clinic has been a fantastic experience. It’s great to have a little reminder that there’s more to the law and even law school than just briefing cases and spouting off procedural history or black letter law. It is also sobering when you realize that you are dealing with clients who depend on your help for very serious concerns, and in that respect it is also inspiring, because you want to do the best that you can for these people.”

The Clinic is also a great resume builder because employers are very familiar with the type of work with which clinics in general are involved, and becoming a Certified Legal Intern (CLI) has also opened many doors for interns.

Catherine Spafford, a third year law student, is eager to admit that her experiences in the Bill of Rights Clinic have been positive, both personally and professionally: “It’s a one-of-a-kind feeling when you can sift through the knowledge you have gained the past two years and be able to apply it to clients in real-life situations who are actually depending on you. It’s a great feeling when you close a case knowing that a person has received the justice they deserve.”
Unemployment Compensation Clinic

Our Law School’s Unemployment Compensation Clinic has six (6) students enrolled in this clinical program, and at the conclusion of the fall semester, the Clinic had already handled twenty-eight (28) cases. Now the students are busy interviewing clients, preparing for and attending hearings, and representing fifty-four (54) clients to the best of their abilities.

The Clinic recently accepted a case in the Commonwealth Court, which involved an instance of off-duty misconduct and whether or not the facts supported a disqualification of the client for benefits under both Section 3 as well as 402(e) of the Pennsylvania Unemployment Compensation Law. Also at issue in this case is a UPMC policy which established, as a basis for discharge from employment, when a staff member is charged with and not found innocent of a crime, which would diminish trust in the staff member’s future performance. Additionally, as a class project, the students are writing a script and will be taping a “mock hearing,” to be used as a training tool for future unemployment clinic classes.

New on board at the clinic this year, as an additional supervising attorney, is Duquesne Alumnus Daniel Kunz, Esquire. Dan’s role is to assist and mentor the students in connection with their unemployment hearings and he has been very well received. Dan is a solo practitioner and is also a clerk to several senior Common Pleas Orphans’ Court Division Judges. While at Duquesne Law School, Dan was a student in the Unemployment Clinic, approximately ten (10) years ago, and also was a former Clinic Manager. He has extensive experience in working with our Clinical Programs.

Additionally, this year brings back Lori Buntman, as the Unemployment Compensation Clinic Manager. Lori set a new record last year by handling in excess of thirty (30) cases at the Unemployment Compensation Clinic. This year her role is working intensively with our six (6) students, assisting them in client interviews and in all phases of case preparation. Because of her extensive experience in this field, Lori has been working part-time, in addition to her studies, as a hearing consultant to an employer service firm assisting it with its unemployment compensation hearings.

On May 19, 2010, the Unemployment Compensation Clinic was presented with the Pennsylvania Bar Association’s 2010 PBA Pro Bono Award for its outstanding commitment providing legal services to the poor.

Student Lori Buntman, Gretchen Mundorff, PA Bar Association President, Supervising Attorney Michael Simon, Acting Director Tracey McCants Lewis, Allegheny County Bar Association Public Service Committee Chair, Barbara Payne, and Allegheny County Bar Foundation, Pro Bono Coordinator, Barbara Griffin (left to right) at the 2010 PA Bar Association Awards recognition event.

Michael Simon, Esq. and Student Lori Buntman
MORE STUDENT REFLECTIONS ON CLINICAL LEGAL EDUCATION

PUBLIC INTEREST LAW ASSOCIATION FELLOWSHIP – SUMMER 2010 – APPLYING THE LAW TO REAL LIVES

BY ELIZABETH FISCHER, 3L

This past summer, I worked for the Philadelphia District Attorney’s Office as a certified legal intern. I literally spent 10 weeks as a prosecutor in the Municipal Court Unit. I prosecuted misdemeanor crimes such as knowing and intentional drug possession, prostitution, and retail theft. I also conducted preliminary hearings on felony charges such as possession with intent to deliver. Finally, I conducted adjudicatory hearings for juvenile defendants in Philadelphia Family Court. Every day I was in court, handling between 10 and 15 cases alongside an Assistant District Attorney from the Municipal Court Unit.

This summer I learned the diligence and hard work that comes with being a prosecutor. Like many other legal concentrations, I spent long hours at the office. Although there was a lot of stress, I learned that working as a prosecutor is exciting and rewarding. I was in court every day, before different judges, meeting and interacting with private defense counsel, public defenders, court staff, police officers, and victims. Also, I had to constantly think on my feet to handle multiple open cases at one time. In the end, I was doing a job that had the incredible result of making a city a better place, and bringing justice to a victim of crime. To me, that is being a real lawyer.

I would recommend a summer internship at the Philadelphia District Attorney’s Office because not many summer positions offer this much hands-on experience. You will learn so much about how the criminal justice system really works and make a positive impact on the Philadelphia community.

EXPERIENCE GAINED IN E-DISCOVERY SIMULATION COURSE LEADS TO JOB OFFER

BY CAITLIN GIFFORD, 3L

Participating in the law clinic at Duquesne was one of the best experiences I have had at the law school to date. I took the Electronic Discovery Simulation Class that was offered through the clinic and taught by Anne Peterson. The clinic was the first real-life legal experience that I had and I loved having the opportunity to write and argue motions, write interrogatories, use cutting-edge software and interact with leading practitioners in electronic discovery.

I gained the necessary skills and knowledge that ultimately helped me gain meaningful summer employment in commercial litigation with a focus on e-discovery. After taking this course, I worked as a summer associate where I used different e-discovery software. I was able to adapt to the job demands easily, reviewing and marking documents for privilege and researching the best practices in litigation holds and privilege logs.

I honestly believe that the course helped me gain meaningful work experience in Pittsburgh and my experience made me more desirable to legal employers since electronic discovery is one of the fastest growing fields in legal practice today. As a result of my clinic experience, I am fortunate enough to have been offered (and accepted!) a position as a first-year associate in a leading law firm upon graduation. I cannot thank the Clinic and Duquesne enough for providing me with the tools and practical experience that made my opportunities possible.
New Lawyer’s Views on Value of Law Clinic
Experiences from Community Enterprise Clinic and Summer Public Interest Law Fellowship – Pro Se Motions/Family Court

Robert P. Dappenbrook, J.D. 2010

As a recent graduate of Duquesne School of Law, I was blessed with the opportunity to take advantage of several hands-on experiences through both the Duquesne Law Clinic and through Duquesne’s Pro Se Motions Fellowship. All of my experiences have helped me greatly in making the transition from student to practicing attorney. Through the Community Enterprise Clinic, I was tasked with incorporating non-profit organizations and helping them to attain 501(c)(3) status. Through this clinic I gained hands-on experience with client interviews and client billing practices, among many other useful skills such as document preparation and filing.

Through the Pro Se Motions Fellowship, I gained valuable courtroom experience preparing Family Law motions and presenting pro se litigant motions before Family Division Judges in the Allegheny County Court of Common Pleas. This fellowship helped me gain the confidence I practice with today as it prepared me to not be apprehensive or nervous when presenting motions before a judge and to always be well prepared.

All of these great experiences have helped me in starting my own family law and foreclosure defense practice in Beaver County and I strongly encourage all those who attend Duquesne School of Law to get involved with the Law Clinic as it will provide you with a great start towards understanding practical application of the law.

Where They are Now

Several years ago, STEVE WALTON participated in the Community Enterprise Clinic which assists community organizations to incorporate, meet legal advertising requirements, create or amend bylaws, apply for federal income tax exemption, apply for PA sales tax exemption, register with the PA Bureau of Charitable Organizations, and obtain trademark protection. Having worked as a paralegal for a number of years, Steve already had acquired significant skills in client interviewing, file maintenance, and document preparation. Although he continued to work full time during the day, he was able to meet clients at lunch time and complete clinic work in the evening hours at clinic offices. After completing the requirements of the clinic, completing all other requirements for graduation, receiving his diploma, and passing the bar examination, Steve now works in the Corporate, Immigration, and Employment Groups at Leech Tishman Fuscaldo & Lampl, LLC, in Allegheny County.

Nearly ten years ago, SUSAN OTT participated in what was then called the Economic and Community Development Law Clinic. She also completed an externship in the Corporate Legal Department at UPMC the following summer. That became an independent study at UPMC, under the supervision of Duquesne the next fall. The subject matter of the independent study was the Legal Protection of Intellectual Property in Electronic Medical Records. She submitted the paper from this effort to the PA Bar Association and won second prize in its Intellectual Property writing contest. She now works at Rhoades & Wodarczyk, LLC, in Allegheny County. She concentrates her practice in Corporate and Nonprofit Management, Governance, and Compliance.
In Her Own Words

SUZANNE M. SUSANY OSE, J.D. 2010

I am a graduate of Duquesne University School of Law of the class of 2010. I had hoped to work in the field of immigration law after graduation, and am pleased that I have been successful in attaining that goal. Presently I am based in the Allegheny Building and working with Hispanic clients in the areas of immigration, small claims and petty crimes.

While I was studying law at Duquesne University I availed myself of the Civil Rights clinic where I was fortunate to work in the Community Justice Project [CJP] with Hispanic clients and to do some work related to immigration. I would have liked to do my clinical experience in an immigration clinic, but that opportunity was not available at the time. My choice was the second best.

For two summers I served at the Community Justice Project, the first summer working as a clinical course and the second on an IOLTA grant. I enjoyed both the interactions among the lawyers in the office and sharing with the other interns who were also working at CJP. But the aspect that most appealed to me was the opportunity to work with the Hispanic paralegal, Mr. Alfonso Barquera, who was deeply involved with the Hispanic community in the Pittsburgh area. We worked well together on various cases that involved racial profiling, immigration detention and criminal allegations. It was this aspect of my summer experience that led me to my present position where I am a sole practitioner.

Upon passing the bar, I had completed a one-month internship with the Pennsylvania Immigration Resource Center [PIRC] in York, PA. where I had researched immigration issues, visited detainees in the York County Prison, and received training in various immigration case issues. I had just returned to Pittsburgh when I received an e-mail from one of the lawyers at CJP asking me to help in locating Hispanics who were members of a class action suit that CJP had won. While I was engaged in this effort, I found out that I had passed the bar. Shortly thereafter I was admitted to the Pennsylvania Bar, and began again working with the attorneys and the paralegal at CJP, but this time in the capacity of a lawyer. I am still there, not as a member of CJP, but as an adjunct sole practitioner.

My experience of working in the clinic was greatly rewarding for me. Additionally, I wish I had taken another clinical experience, perhaps that of family clinic, because some of my clients have need of the Family Court. The clinics offer first hand an experience of how to navigate in the court system. Because each division has its own rules and procedures, knowledge of how to proceed is invaluable for a beginning attorney. I strongly recommend any of the clinical experiences as a way of gaining insight into the concrete practice of law.

Clinical Faculty

BILL OF RIGHTS, CIVIL RIGHTS CLINIC
TRACEY MCCANTS LEWIS, ESQ.
Acting Director of Clinical Legal Education
Adjunct Clinical Faculty

ADRIAN ROE, ESQ.
Adjunct Clinical Faculty

CIVIL & FAMILY JUSTICE LAW CLINIC
VANESSA BROWNE-BARBOUR
Associate Professor of Law
and Clinic Coordinator

WILLIAM CONGELIO, ESQ.
Adjunct Clinical Faculty
Pro Se Clinic

ELIZABETH HUGHES, ESQ.
Adjunct Clinical Faculty
Pro Se Clinic

COMMUNITY ENTERPRISE CLINIC
NORMA CAQUATTO, ESQ.
Acting Assistant Director
Clinical Legal Education
Adjunct Clinical Faculty

CRIMINAL ADVOCACY CLINIC
BRUCE ANTKOWIAK
Associate Professor of Law
and Clinic Coordinator

E-DISCOVERY SIMULATION COURSE
ANNE S. PETERSON, ESQ.
Director, E-Discovery Education

UNEMPLOYMENT COMPENSATION CLINIC
MICHAEL SIMON, ESQ.
Adjunct Clinical Faculty

DANIEL KUNZ, ESQ.
Adjunct Clinical Faculty

URBAN DEVELOPMENT CLINIC
JOSEPH SABINO MISTICK
Clinical Associate
Professor of Law

STUDENT MANAGERS
KENDRA GREEN
MICHAEL MEGREY
Law School Recognition

The Winter 2011 edition of preLaw Magazine recently named Duquesne University School of Law among the best public interest law schools, a great honor in the spirit of our motto, “the welfare of the people is the highest law”. The article noted that Clinical Education is the key for preparing for a career in public service.

Support the Clinics

If you would like to support the work of the Law Clinic, please consider dedicating your annual Law School Gift or a portion thereof to the Law Clinic. Please designate Law Clinic Education Fund on your annual giving envelope.

Special Thank You

The Law Clinic would like to extend a special thank you to Professor Margaret Krasik for her hard work as supervising attorney in the Veterans Benefits Clinic. Professor Krasik’s successful work on her cases has secured $18,229.78 in attorney’s fees that were provided to the Law Clinic. These funds will be used to cover litigation costs associated with cases being handled by the Bill of Rights Clinic. Funds previously received were used to cover the fellowship stipend for one of the 2010 SPIF SUMMER fellows.