



UNIVERSITY OF THE
DISTRICT OF COLUMBIA
DAVID A. CLARKE SCHOOL OF LAW

CLINIC NOTES

CLINICAL & EXPERIENTIAL PROGRAM NEWSLETTER

IMMIGRATION & HUMAN RIGHTS CLINIC

Immigration Clinic Steps Up to Access to Justice Gap with Full-Day Workshop for Pro Se Asylum-Seekers

In the midst of a nationwide surge in immigration enforcement, many D.C. residents have been caught up in the 33,384-case backlog facing the Baltimore Immigration Court. The burgeoning Maryland docket represents the fastest-growing backlog in the nation, with a 96% increase between January 2017 and July of this year that effectively doubles the court's caseload and threatens to further erode due process protections for immigrants in the greater Washington, D.C. area. In the absence of any D.C.-based immigration court, many immigrants residing in D.C. have been ensnared in the growing backlog.

The UDC Law Immigration and Human Rights (IHR) Clinic stepped up

to address the crisis when, on September 28, the clinic held its second-ever pro se asylum filing workshop for immigrant families facing removal in partnership with Human Rights First. The clinic-organized event brought together 15 UDC Law student volunteers, eight of whom are currently enrolled in the clinic, for a full-day drafting session with 10 asylum-seeking families with cases pending before the court. Under the careful supervision of Clinic Instructor Saba Ahmed, LL.M. '19, and Co-Directors Kristina Campbell and Lindsay Harris, the combined efforts of law student volunteers yielded 17 newly-minted applications for protection.

Many of the families, all of whom fled Honduras, Guatemala, and El Salvador to seek protection in the U.S., had already been relegated to the court's "last chance docket" or were fast approaching the one-year filing deadline, and faced a serious danger of removal despite the underlying merits of their claims. While



Immigration & Human Rights Clinic students and staff with members of Human Rights First

AWARD

D.C. Court System Awards Immigration Clinic 2017 CORO Community Service Award



The District of Columbia Courts system bestowed the 2017 CORO Community Service Agency Award on the UDC Law Immigration and Human Rights Clinic in recognition of the clinic's outstanding service to the Latino community. These awards are given as the culmination of Hispanic Heritage Month.

CORO, the Spanish word for choir, stands for Community, Outreach, Recognition and Opportunity. According to the D.C. Courts, "These awards are given in recognition of those whose outstanding service to the Latino community has enhanced the lives of Latinos in the District of Columbia."

remaining mindful of the evolving legal framework governing asylum, students practiced indispensable skills like rapport-building, fact development, credibility assessment, and legal drafting with an eye to compelling narrative. "This required

Continued on page 11

NEW LL.M. INSTRUCTOR

Christopher Hill, LL.M. '20, Joins Legislation Clinic

Christopher Hill is an Instructor in the Legislation Clinic and a candidate for a Master of Laws (LL.M.) with a Concentration in Clinical



Education, Social Justice, and Systems Change. After graduating from Rutgers School of Law, Professor Hill joined the Community Economic Development Unit at the Passaic County Legal Aid Society as a National Association of Public Interest Law (now Equal Justice Works) Fellow, where he represented community-based organizations that served people living with HIV/AIDS. He later served at the Legal Services of New Jersey, representing undocumented people and people without permanent immigration status in civil litigation and helping establish the group's Prisoner Reentry Program, for which he tracked legislation related to corrections and juvenile justice.

Professor Hill brings a wealth of legislative lawyering experience to his role as an Instructor in the UDC Law Legislation Clinic, having also served as State Strategies Coordinator for the ACLU Capital Punishment Project, where he assisted ACLU affiliates and other anti-death penalty organizations with legislative strategies to abolish capital punishment or curtail its use. As Director of the Education and Law Project at the North Carolina Justice Center, Professor Hill lobbied on education issues affecting low-income students in North Carolina. He also tracked national trends in education law and policy. Additionally, Professor Hill completed a fellowship with the National Health Law Program and the Network for Public Health Law where he analyzed legal and policy developments, legislation, and regulations in the areas of overdose prevention, access to Medicaid services, and other public health issues.

LOW-INCOME TAXPAYER CLINIC

Tax Clinic Student Roxy Araghi, '19, Targets Tax Court Jurisdiction to Order Refund in CDP Cases with Amicus Brief

Like most litigants in civil and administrative proceedings, individuals with active tax controversies have no right to court-appointed attorneys and the vast majority remain unable to afford private counsel. While the intervention of the UDC Law Low-Income Taxpayer Clinic (LITC) and other pro bono programs can make a critical difference in clients' financial stability, restrictive case law remains a considerable barrier to relief.

In an effort to broaden available remedies for low-income taxpayers, clinic student Roxy Araghi, '19, authored an amicus brief in *McLane v. Commissioner*, T.C. Memo. 2018-149, in a much-anticipated challenge to the Tax Court's limited view of its own jurisdiction under *Greene-Thapedi* to determine a refund in a collection due process (CDP) case. While carrying a regular clinic caseload,

“Working on the amicus brief was the peak of my law school experience.”

- Roxy Araghi

Araghi penned the brief on behalf of the clinic in support of pro se petitioner Brian McLane. McLane sought judicial review of a 2008 tax issue and despite the agency's concession that he had no tax liability for the period in question, the IRS refused to refund McLane's 2008 overpayment.

In her brief in support of McLane, Araghi sought to distinguish the petitioner's case from the unique set of facts governing *Greene-Thapedi*, a case that many court-watchers have questioned since it was decided in 2008. Ultimately, on

Sept. 11 of this year, the Tax Court ruled in a nearly 40-page opinion that it lacked jurisdiction to determine a refund in the CDP case. McLane is currently considering an appeal to the Fourth Circuit.

Carlton M. Smith, who will serve as Acting Director of the Federal Tax Clinic at Harvard Law School for spring 2019, and assisted on the clinic brief, noted that “the high quality of Roxy's argumentation in the brief no doubt led the Tax Court judge to write such a lengthy opinion in response thereto.”

For her part, Araghi described the writing project as “the peak of my law school experience.” “I am extremely grateful to all of my professors, who taught me the skills and gave me the confidence I needed,” she said. “Drafting this amicus brief, though challenging and frustrating at times, was a truly unique experience and I would do it all over again.”

The amicus brief represents just one segment of Tax Clinic students' expansive efforts on behalf of District taxpayers this year. Students in the clinic – which is on hiatus for the 2018-19 academic year while Director Jacqueline Lainez Flanagan serves as Visiting Professor at American University – gain hands-on experience representing low-income District residents before the IRS, D.C. Office of Tax and Revenue, and U.S. Tax Court. Students represent clients in a variety of tax-related matters, including Earned Income Tax Credit (EITC) examinations and challenges to the denial of various credits, including family-based credits and social benefits administered through the Tax Code.

This past year the clinic also partnered with Harvard's Federal Tax Clinic on a national, year-long Tax Court Research Project (TCRP) pilot intended to connect unrepresented taxpayers across the U.S. with a dozen participating LITCs. At the conclusion of the year-long pilot, Dee Dee Gowan, the LITC Director at Neighbor-

Continued on next page

With Launch of Menstrual Equity Report, Legislation Clinic Celebrates Two-Year String of Victories with Client BRAWS



From left: Legislation Clinic Instructor Monica Bhattacharya and students Gabriel Roscom and Demetria Themistocles

Menstrual products are basic necessities of life, but low-income women and girls are often forced to risk unsafe and low-quality menstrual products or go without them entirely. The problem is compounded by a lack of uniform policy. No comprehensive federal law guarantees access to quality, affordable menstrual products, and only a handful of state and local governments have addressed affordability and access to these critical supplies. The resulting patchwork of inconsistent legislation has failed to alleviate the crisis, especially for menstruating individuals in schools, shelters, and correctional facilities.

A national movement to achieve menstrual equity has grown in response. In May, the UDC Law Legislation Clinic captured this reality when it released a groundbreaking report *Periods, Poverty, and the Need for Policy: A Report on Menstrual Inequity in the U.S.* The launch of the report marks the culmination

of a two-year-long partnership between the Legislation Clinic and Bringing Resources to Aid Women's Shelters (BRAWS), a local non-profit that distributes new menstrual products, bras, and underwear to schools and more than 45 shelters serving women and girls in the greater D.C. area.

Since BRAWS retained the clinic in 2016, the partnership secured several reforms, including the repeal of D.C.’s “tampon tax,” funding the implementation of the D.C. repeal, and

passage of a Virginia law mandating that state correctional facilities to provide menstrual products to inmates free of charge. This past November, the clinic also made important inroads at the federal level, convening a well-attended Congressional Briefing highlighting the need for menstrual equity legislation.

In further recognition of the need for greater national coordination on menstrual equity to build momentum for a comprehensive federal response, Monica Bhattacharya, LL.M. '18, led clinic students during the 2017-18 academic year in developing the report. Throughout its pages, the report prominently features personal testimony from advocates – including formerly incarcerated women, school-age girls, teachers, and shelter program administrators – who shine a light on the lived experience of menstruating individuals affected by the crisis. In addition, each report section includes a useful survey of current and proposed local, state, and federal law and policy

addressing menstrual equity.

Among other hard-hitting findings, the report describes how many public schools fail to supply menstrual products to school-age girls whose families cannot afford them, and evidence suggests many girls miss class as a result of limited access. Meanwhile, cash-strapped shelters, group homes, and drop-in centers face overwhelming demand for these supplies among homeless or street-involved clients unable to afford them, and SNAP and WIC benefit recipients are barred from purchasing these basic biological necessities with the funds. For incarcerated women, menstrual products are often dispensed one-at-a-time, with access tightly controlled by guards rather than medical personnel. Even then, the frighteningly low-quality tampons and pads provided by facilities may present real health dangers, leading many women to resort to attempt making their own products from scratch or forcing them to shell out much-needed funds on excessively priced products through the facility commissary.

Tax Clinic continued from page 2

hood Christian Legal Clinic in Indianapolis, commented: “Thanks to the information you provided us, this is by far the most productive Tax Court Calendar Call we have experienced in the 14 years I’ve been at the clinic.” Professor Lainez Flanagan incorporated 1L students from her Contracts II course to conduct research on the project as part of their Community Service Program work. This led to a burgeoning interest in tax among students like Aditi Ramesh, ’20, who, following her TCRP work, went on to work as a legal intern at the D.C. Office of Tax and Revenue this summer.

RETIREMENT

After Decades of Service to D.C. Youth, Joe Tulman Retires from Full-Time Teaching



Professor Joseph B. Tulman was awarded the 2017 Justice Potter Stewart Award by the Council for Court Excellence. Photo credit: Jose L. Argueta Photography for Council for Court Excellence

After over 32 years of service at the law school, Professor Joseph B. Tulman retired this year from full-time teaching. Professor Tulman joined the law school in 1984 as a teaching fellow in the Juvenile Law Clinic at UDC Law's predecessor institution, Antioch School of Law, receiving his M.A.T. in Clinical Education in 1986. He began teaching the same year, pioneering the use of special education and disability rights advocacy on behalf of children.

During his long tenure as director of the Juvenile and Special Education Law Clinic, Professor Tulman has represented countless young people in life-altering delinquency and affirmative special education proceedings. His innovative use of special education advocacy in combination with delinquency defense has helped to slow the school-to-prison pipeline, shrink the delinquency system, and focus attention on improving the special education system in D.C. By training lawyers, in addition to law students, and through persistent advocacy, Professor Tulman has also helped increase access to justice for the District's youth, with D.C. lawyers litigating a full 45% of all special education hearings in the entire nation for several years.

Professor Tulman litigated important cases such as *In re T.R.J.*, a D.C. Court of Appeals decision affirming that "the best interest of the child" standard, rather than some alternative, controls the decision to close a child welfare case. He also litigated *Evans v. Williams*, a class action lawsuit that exposed a pattern of abuse and malpractice at a government-run facility for people with intellectual disabilities and secured closure of the notorious institution. In *Evans*, Professor Tulman helped negotiate a \$31 million settlement that, among other things, established the Quality Trust for Individuals with Disabilities which continues to serve D.C. residents to this day.

Professor Tulman has authored numerous influential articles, book chapters, and practice guidance while instilling a commitment to serve the most vulnerable across multiple generations of public interest attorneys graduating from the school. He served on the faculty of the National Judicial College and, over the years, has trained attorneys in a majority of states. In 2010, Professor Tulman was named the founding Director of the Took Crowell Institute for Youth at UDC Law, an advocacy program focusing on

disrupting and dismantling the school-to-prison pipeline.

Professor Tulman has contributed to a variety of projects devoted to improving the lives of D.C. residents. By appointment of the mayor, Professor Tulman served as Chair of the D.C. Juvenile Justice Advisory Group. In 2011, the Council of Parent Attorneys and Advocates awarded Professor Tulman its Diane Lipton Award for Outstanding Educational Advocacy on behalf of children with disabilities. In 2007, the AALS Clinical Section Committee on Lawyering in the Public Interest named him a Bellow Scholar. In 2001, he received the D.C. Bar's Jerrold Scoult Prize in recognition of his work providing direct legal services to disadvantaged persons in the District of Columbia and, in 1996, the Criminal Law Section of the ABA awarded him its Livingston Hall Juvenile Justice Award.

A beloved professor and respected District-wide for his advocacy on behalf of young people, in 1995, Professor Tulman was awarded the D.C. School of Law's distinguished service award, and in 2012, UDC awarded him The Cleveland L. Dennard Distinguished Service Award, as an individual who has demonstrated a long-term commitment of outstanding service to the University or to the Washington, D.C. community. Just last year, in the latest of his many awards, the Council on Court Excellence honored Professor Tulman for his lifetime of service in the public interest with a Justice Potter Stewart Award.

Professor Tulman is currently living in Geneva, Switzerland where his wife, Deborah Greenfield is the Deputy Director-General for Policy of the International Labour Organization. In addition to being a "trailing spouse" and "house husband" as he refers to himself, Professor Tulman consults on a pro bono basis and continues to work on projects to dismantle the school-to-prison pipeline in states across the U.S.

JUVENILE & SPECIAL EDUCATION LAW CLINIC

On Heels of “Do Not Admit List” Victory, Juvenile Rights Clinic Calls for Data-Reporting Mandate for D.C. Public School Disciplinary Practices

The Juvenile and Special Education Law Clinic (JSPED) works to expand access to justice for D.C. students and their families by advocating against excessive school discipline and ensuring children with disabilities receive needed special education services. Under the supervision of Director Lauren Onkeles-Klein, clinic students advocate in a wide variety of settings – schools, administrative hearings, and court – against practices that push children out of school and into the delinquency system, helping to disrupt and ultimately dismantle the school-to-prison pipeline. Students have also worked to support class action legislation regarding children with disabilities, expand legal representation for students in the juvenile law system, and include state-level oversight of local school practices.

Recently, after the clinic discovered a school’s use of off-the-books “do not admit” lists barring students from entering a school and putting them at risk of being referred to court for truancy, Clinic Instructor Nicole Tuchinda, LL.M., ’17, and JSPED clinic students took action. In partnership with Advocates for Justice and Education, a local non-profit founded by JSPED alumni and current home to Executive Director Rochanda Hiligh-Thomas, ’96, and Senior Attorney Stacey Eunnae, LL.M. ’17, the clinic filed an administrative complaint on behalf of a client seeking individual and systemic relief regarding these illegal practices. The agency, in adjudicating the complaint, concluded that D.C. Public Schools (DCPS) had a systemic problem with improper suspensions, and that one DCPS High School had illegally excluded students with disabilities from class, inaccurately recorded absences, and denied students necessary and legally required special education supports and protections. The agency then awarded individual and

systemic relief.

The clinic’s advocacy informed a groundbreaking investigatory report by *The Washington Post* that found a pattern and practice of illegal suspensions in no fewer than seven D.C. public high schools.

“ The clinic’s advocacy led the D.C. Council to introduce a bill that would require public schools to report data on their disciplinary practices in order to strengthen oversight and enforcement. ”

Clinic students also continue to monitor illegal exclusions and other issues regarding access to education and the school-to-prison pipeline, and a clinic student recently testified before the D.C. Council in support of systemic reform to benefit D.C.’s schoolchildren. The clinic’s efforts have led to the introduction of legislation in the D.C. Council that, in part, requires public schools to report data on their disciplinary practices to the

CRIMINAL LAW CLINIC

UDC Law Students Gain Criminal Defense Experience Through Partnership with D.C. Law Students in Court

The Criminal Law Clinic is a one-semester clinic in which UDC Law students participate in D.C. Law Students in Court (LSIC), a unique consortium of D.C. law students providing legal representation to low-income District residents.

Under the guidance and supervision of experienced trial attorneys, students are responsible for all aspects of client representation such as conducting fact investigation and legal research, writing and arguing motions, engaging in pre-trial discovery, trying cases, negotiating plea agreements, and assisting clients with probation revocations. Through reading assignments, mock hearings, reflection, and actual representation, students learn how to develop a theory of the case and gain the skills needed for outstanding representation.

The program offers a learning environment that focuses on case preparation and actual criminal practice experience. Supervision and instruction are heavily geared toward litigation and the skills necessary for effective lawyering. Both classes and supervision also promote reflection on what the role of a lawyer should and can be in the context of mass incarceration. Through the program’s Expungement Project, clinic students also offer legal advice and representation to low-income District residents who have a criminal arrest, charge, or conviction they wish to seal.

District’s Office of the State Superintendent of Education to strengthen the agency’s oversight and enforcement capacity. In addition to continuing work with individual clients, current clinic students have been retained by a local coalition to assist in the regulatory process now that the Student Fair Access to School Amendment Act has become law.

COMMUNITY DEVELOPMENT LAW CLINIC

Home Rule: Community Development Law Clinic Assists Low-Wealth Communities in Increasing Homeownership with D.C. Tenant Opportunity to Purchase Act

As one of the few providers of free transactional legal services for community-based groups, cooperatives, non-profit organizations, and small businesses in Washington, D.C., the Community Development Law Clinic (CDLC) provides valuable legal representation to community building efforts in low-wealth communities. One of the clinic's primary goals is to shore up the community's ownership and control of housing assets. With all 68 square miles of the nation's capital subject to spiraling housing costs and increasing economic disparities in wealth and income, the frantic pace of gentrification in the District threatens an increasing number of low-income D.C. residents.

Working with other community-based partners and professional consultants, CDLC has been at the center of preserving affordable housing and increasing home ownership among the District's low-wealth population. One of the clinic's go-to tools for addressing the ill effects of gentrification and wealth disparities is the D.C. Tenant Opportunity to Purchase Act (TOPA), a four-decades-old statute that provides tenants with notice and opportunity to purchase their apartment building once an owner declares an intention to sell. Through its TOPA-related practice, CDLC assists tenant associations and housing cooperatives in acquiring, financing, renovating, and operating multi-family housing developments.

Currently, CDLC students and faculty are working with four housing cooperative clients that provide housing for a total of 85 families. Each client is in various stages of their efforts to own, finance, renovate, manage and preserve the capital asset that is home to their members. The clinic is also actively engaged with other community partners in advocating, among other things, for increased affordable financing

and technical support for tenants pursuing their TOPA rights.

During the fall and spring academic semesters, CDLC Co-Directors, Professors Louise Howells and Etienne Toussaint, along with Clinic Instructor Jerome Hughes, LL.M. '19, conduct regular case

“ The clinic is working with four housing co-ops that house a total of 85 families. Each client is in various stages of their efforts to own, finance, renovate, manage and preserve the capital asset that is home to their members. ”

supervision and clinic-wide case rounds with law students. Additionally, during weekly classroom seminars, students are taught the substantive law and unique regulatory landscape governing a wide

range of matters facing clinic clients. The seminar subject matter ranges from organizational formation and governance to land-use and zoning law, taxation, property ownership, financing, capital development, and legal writing and drafting, all in the context of advocating for and representing community-based groups.

Clinic students gain hands-on experience in providing community-based groups with a variety of direct services focused on community empowerment and economic justice. Client organizations present diverse and complex legal problems that require students to develop and refine their practice skills, all while managing relationships with client leaders across multiple constituencies. As a result, clinic students can build a range of lawyering skills transferable to a business context, such as problem solving and risk analysis, legal research into unique issues, drafting documents customized to a client's needs, giving advice and counsel to boards of directors, negotiating with third party sellers and lending institutions, and working alongside other professional consultants such as project developers, financial consultants, architects, and community organizers.

In addition to working with housing cooperatives and tenant associations, CDLC provides a broad range of legal services to a variety of small businesses, worker cooperatives, and non-profits. Recent clients include a non-profit that works with incarcerated youth, a job-readiness agency for asylum-seekers, an advocacy group centered on public finance, and a group of childcare workers banding together to form a cooperative child care center.

GENERAL PRACTICE CLINIC

In Face of Rising D.C. Homicide Rate, General Practice Clinic Tackles Complex Civil Representation in Effort to Make Families Whole

With homicides up nearly 50% in D.C. in 2018 compared to last year, General Practice Clinic students are working on two cases underlining the need for general practitioners to engage in holistic work across multiple issue areas to address clients' most fundamental needs. This semester, clinic students are representing two separate clients whose adult children were tragically murdered as a result of domestic violence. One of the two cases is currently in probate, requiring students to advise the client about the probate process and establish a guardianship for the property of a minor. In the other, clinic students are helping the client obtain custody of two grandchildren.

The two cases represent only a fraction of the clinic's docket, which encompasses wills, guardianship, child custody and support, and benefits representation. Lawyers in general practice are regularly confronted with client representation encompassing multiple, intersecting legal issues, particularly those general practitioners serving individuals with limited financial means. The General Practice Clinic exposes students to transactional lawyering and litigation across a dizzying array of court and

administrative venues, while equipping up-and-coming legal generalists with the skills they need to manage the day-to-day operations and finances of a general practice.

Through regular case rounds and individual supervision by Co-Directors Faith Mullen and Tianna Gibbs, UDC Law students cultivate client-centered lawyering skills and build out the skills aspiring lawyers need to best prepare them for a general practice. The clinic's weekly seminar component is tailored to future general practitioners to develop students' core competencies in case and time management, fact development, legal analysis, legal writing, client counseling, negotiation, and trial advocacy through hands-on representation of seniors, veterans, and other low-income residents in the D.C. area.

The clinic also continues to strengthen its effort to increase access to justice in D.C., having recently completed a benchbook on D.C. Medicaid practice with pro bono partner Dechert LLP on the heels of a growing partnership that places clinic students in the D.C. Office of Administrative Hearings. This practice guide promises to grow the clinic's

effort to combat unlawful terminations of home health aides, which continues to be a problem for D.C.'s many low-income seniors and residents with chronic health issues and developmental disabilities. The benchbook articulates the variety of payment streams and notice and appeal requirements governing D.C. home health aide termination across multiple regulatory schemes.



From left, General Practice Clinic Co-Directors Faith Mullen and Tianna Gibbs, D.C. Councilmember Brandon Todd, and UDC Law student Pierrea Wallace, '19, at a Ward 4 community outreach event.

CLINIC FACILITIES

New UDC Law Clinic Program Space Opens Spring 2019

The law school is on track to complete its new-and-improved Clinical Program space, in time for the Spring 2019 semester. The full-floor upgrade provides each clinic an individual suite of offices to accomplish their important work, in addition to collaborative space.

The secure clinic space, located on the law school's third floor, will feature multiple interview and conference rooms and ample reception and waiting areas to accommodate clients. In addition to the new clinic suites and office space, the full-floor renovation will supply, among other things, several seminar classrooms, two tiered classrooms, a sizable new event space, kitchen, and pantry. The renovation promises law school clinics the room to grow for years to come.



WHISTLEBLOWER PROTECTION CLINIC

Government Accountability Project Stacks Legal Division with Recent Whistleblower Clinic Alumni Hires

Student attorneys in the Whistleblower Protection Clinic advise and represent corporate and government employees who suffer retaliation for reporting misconduct. The clinic is operated in collaboration with the Government Accountability Project (GAP), a non-profit organization that promotes government and corporate accountability through policy advocacy and legal representation of whistleblowers. For nearly forty years, GAP's lead attorneys have trained the school's law students how to advance government and corporate accountability by representing employee whistleblowers and assisting in efforts to expose abuses of authority and threats to public health, safety, and the environment.

Under GAP Legal Director Tom Devine, '80, the non-profit's legal division continues to build out its roster of UDC Law graduates with a surge of recent hires of Whistleblower Protection Clinic alumni. Just this year, Samantha Feinstein, '18, joined GAP as its Senior Legal and International Analyst. She serves as Devine's junior partner, acting on the front lines of legislative, client, and funding strategy, as well as supervising student interns.

She joins John Whitty, '17, who was hired on as a Staff Attorney at the organization after serving as a summer intern and Whistleblower Protection Clinic student during his studies at UDC Law. His work focuses primarily on direct client representation in GAP's Office of Special Counsel docket, the independent federal agency tasked with safeguarding federal whistleblower disclosures and the investigation and prosecution of prohibited personnel practices in the federal workforce. In other recent UDC Law hires, GAP welcomed Adam Arnold, '14, shortly after his graduation. Arnold serves as Food Investigator and Environmental Counsel for the organization. Among other duties, Arnold regularly contributes to GAP's

Continued on page 11

HOUSING LAW CLINIC

With Two-Front Strategy Combining Eviction Defense and Affirmative Litigation, Housing Clinic Fights D.C. Slumlords

The Housing and Consumer Law Clinic combats housing discrimination and works to increase and preserve quality affordable housing in the District. Clinic students are certified to represent low-income residents in civil litigation before the D.C. Superior Court and Office of Administrative Hearings.

The clinic's classroom component instructs students in substantive housing, consumer, and civil rights law, while grounding them in the mechanics of motion practice and trial advocacy. Clinic students interview clients, draft complaints and responsive pleadings, propound interrogatories, conduct depositions, and draw up a variety of motions and briefs. Clinicians provide guidance through individual supervision and clinic-wide case rounds.

This past school year, clinic students filed a complaint on behalf of a local civil rights organization that promotes equal opportunity in housing. Students crafted a source of income discrimination claim against a District housing provider who refused to accept Housing Choice Vouchers or other temporary housing assistance. Students also worked in the field to effect service of process upon the housing providers who have a history of evading

claims of this nature, coordinating with investigators and other witnesses.

In addition to affirmative litigation, students defend clients from eviction and conduct negotiations for repairs or disability accommodations. In one case last semester, clinic students successfully represented a resident of a large public housing project who had experienced abhorrent rodent infestation and negligent responses from the Housing Authority. Students filed two affirmative claims on behalf of this client, one demanding that a housing inspection be conducted and the other demanding compensatory damages in the Small Claims division of the D.C. Superior Court. The clinic has also joined a large-scale suit against the Housing Authority in D.C. Federal Court challenging current housing conditions at, and displacement threatened by, a proposed redevelopment.

Clinic students also seek out opportunities to advocate for their clients outside the courtroom. This past spring, clinic students conducted a "Know Your Rights" training at a local public school to inform residents on how to raise issues of housing conditions in a pro se format in D.C. Superior Court.



Housing Clinic student Vanessa Favier '18 delivers remarks on housing affordability before the D.C. Council.

LL.M. PROGRAM

UDC Law's Master of Laws LL.M. Program in Clinical Legal Education, Social Justice, and Systems Change recruits experienced attorneys with a demonstrated commitment to the public interest for an intensive two-year course of instruction and training in clinical legal education and pedagogy in the public interest. The tuition-free degree program offers an annual salary as a Clinical Teaching Fellow over the two-year term. Fellows gain invaluable clinical teaching experience as

Kaitlin Banner ('12), Adjunct Clinical Professor at Georgetown Law Juvenile Justice Clinic and Deputy Legal Director, Washington Lawyers' Committee for Civil Rights & Urban Affairs

Tanya Cooper ('12), Assistant Clinical Professor and Director of the Restoration and Justice Clinic at Pepperdine School of Law



Maunica Sthanki ('12), Legislative Counsel, U.S. House of Representatives Subcommittee on Immigration and Border Security to the Judiciary Committee



Daniel Clark ('13), Civil Director, D.C. Law Students in Court

Lisa Geis ('14), Visiting Assistant Professor of Law and Director of the Children's Defense Clinic at the University of Memphis Cecil C. Humphreys School of Law

Adrienne Jones ('14), Attorney-Adviser, Social Security Administration



Bradford Voegeli ('14), Managing Attorney, Neighborhood Legal Services Program

Emily Torstveit Ngara ('14), Visiting Assistant Professor of Law and Director of the Deportation Defense Clinic at the Hofstra University Maurice A. Deane School of Law



an Instructor and Supervising Attorney of J.D. students enrolled in a UDC Law clinic. Each program fellow benefits from one-on-one mentorship from UDC Law's widely-respected clinical faculty as they prepare for entry into the law teaching market.

Since the program was established in 2011, its graduates have gone on to serve in prominent positions, including academic appointments as clinical faculty at law schools around the nation. A partial list of current positions is included below:

Tomar Brown ('15), Clinical Assistant Professor of Law and Director of the Health Law Clinic at the University of Pittsburgh School of Law



Johan Fatemi ('16), Law Clerk at the D.C. Court of Appeals

Eva Seidelman ('16), Staff Attorney at the Housing Cooperative Preservation Initiative of the Neighborhood Legal Services Program

Stacey Eunnae ('17), Senior Staff Attorney, Advocates for Justice and Education

Adrian Gottshall ('17), Managing Attorney for Public Benefits Division at the D.C. Bar Association Pro Bono Center

Megan Newman ('18), Chief Counsel to the ABA Section of Taxation

Nicole Tuchinda ('17), Clinical Teaching Fellow and Instructor at the Georgetown University Law Center's Community Justice Project's Health Justice Alliance



Sonia Weil ('17), Legislative Counsel to the D.C. Council Committee on the Judiciary and Public Safety

Monica Bhattacharya ('18), Attorney, Office of the Solicitor, Civil Rights and Labor-Management Division U.S. Department of Labor

Jasmin Mize ('18), Visiting Assistant Professor and Director of the Housing and Consumer Rights Clinic at UDC Law

LL.M. CANDIDATE SIDEBAR

Q&A with LL.M. Candidate Saba Ahmed

Why did you decide on an LL.M. in Clinical Legal Education and with UDC Law in particular?

I decided to become a clinical teaching fellow as a first step to becoming a clinical professor. The LL.M. program offers training in clinical pedagogy and the opportunity to teach and supervise passionate and engaged students. UDC Law's degree, in particular, includes a systems change element that challenges us LL.M. fellows to think beyond traditional legal scholarship and understand our role as lawyers in community and our ability to create social change.

What do you gain from your supervising and teaching experience here?

Over the past year, I have learned how to move from supervising a law student intern to working as an adviser with law students in a case team. I have learned to lesson plan, facilitate seminar discussions, and work toward a shared goal with clinic students.

What did you learn through clinics that surprised you?

Most importantly, I have learned the value of being a life-long student, keeping an open mind, and learning from our clinical students because they bring so many strengths to clinic and client representation.



Saba Ahmed, center, and Lindsay Harris, left, with students at #NoMuslimBan protest in Washington, D.C., during fall 2017.

Photo credits:

Tanya Cooper, Pepperdine University
Bradford Voegeli, Neighborhood Legal Services Program
Dan Clark, D.C. Law Students in Court
Emily Torstveit Ngara, Courtesy of Hofstra University
Tomar Brown, University of Pittsburgh

2017-18 SELECTED PRESENTATIONS AND PUBLICATIONS

PUBLICATIONS

Norrinda Brown Hayat, *Accommodating Bias in the Sharing Economy*, 83 BROOK. L. REV. 613, 613 (2018).

Kristina Campbell, *Operation Sojourner: The Government Infiltration of the Sanctuary Movement in the 1980s and its Legacy on the Modern Central American Refugee Crisis*, 13 U. ST. THOMAS L.J. 424 (2017).

Kristina Campbell, *Dreamers Deferred: The Broken Promise of Immigration Reform in the Obama Years*, TEX. HISP. J.L. & POL'Y (forthcoming Fall 2018).

Kristina Campbell, *La Protección de Los Inmigrantes Irregulares en los Estados Unidos y la Libertad de Circulación en una "Unión Americana"*, Anuario da Facultade de Ciencias do Traballo, Universidad de A Coruña, España (in Spanish, forthcoming 2018).

Edgar S. Cahn & Christine Gray, *Clinical Legal Education: Where Next? Clients As Co-Producers of System Change*, 24 CLINICAL L. REV. 171 (2018).

Tianna Gibbs, *Paper Courts and Parental Rights: Balancing Access, Agency, and Due Process*, 54 HARV. C.R.-C.L. L. REV. (forthcoming 2019).

Lindsay M. Harris, *Contemporary Family Detention and Legal Advocacy*, 21 HARV. LATINX L. REV. 135 (2018).

Lindsay M. Harris, *Learning in Baby Jail: Lessons from Law Student Engagement in Family Detention Centers*, 25 CLINICAL L. REV. (forthcoming Fall 2018).

Lindsay M. Harris, *Withholding Protection*, COL. HUM. RTS. L. REV. (forthcoming 2019).

Jacqueline Lainez Flanagan, *Holding U.S. Corporations Accountable: Toward A Convergence of U.S. International Tax Policy and International Human Rights*, 45 PEPP. L. REV. 685 (2018).

Jasmin Mize, *Probation Isn't Supposed to be Prohibition: Medical Cannabis as a Blueprint for Restorative Reentry*, 7 ARK. J. OF SOC. CHANGE & PUB. SERV. ____ (2018).

Faith Mullen, *Another Day Older and Deeper in Debt: Mitigating the Deleterious Effect of Wage Garnishments on Appalachia's Low-Wage Workers*, 120 W. VA. L. REV. 193 (2018).

Etienne C. Toussaint, *The New Gospel of Wealth: On Social Impact Bonds and the Privatization of Public Good*, 56 HOUS. L. REV. 153 (2018).

PRESENTATIONS

Saba Ahmed, "Immigration Courts as a Veneer of Due Process: Adjudicating Unsubstantiated Gang Allegations," AALS Conf. on Clinical Legal Educ., Chicago, IL (May 2018).

Norrinda Brown Hayat, "Housing the Colonized: Reurbanization and the Promise of Spatial Equity," AALS Conf. on Clinical Legal Educ., Chicago, IL (May 2018).

Norrinda Brown Hayat, "Teaching the Whole Lawyer: Deliberate, Mindful and Culturally Conscious Professional Identity Formation," AALS Conf. on Clinical Legal Educ., Chicago, IL (May 2018).

Kristina Campbell, "La Protección de Los Inmigrantes Irregulares en los Estados Unidos y la Libertad de Circulación en una 'Unión Americana'," XII Congreso Internacional de Derecho Comparado de Trabajo, Facultad de Derecho de la Universidad de A Coruña, A Coruña, Spain (in Spanish, Jan. 2018).

Kristina Campbell, "Sanctuary, Temporary Protected Status, and Catholic Social Teaching," University of Detroit Mercy Law Review Symposium, "The Return of Sanctuary Cities: The Muslim Ban, Hurricane Maria, and Everything in Between," Detroit, MI (Mar. 2018).

Kristina Campbell, "Naming Our Core Values When Teaching and Lawyering in a Time of Crisis," AALS Conf. on Clinical Legal Educ., Chicago, IL (Apr. 2018).

Matthew I. Fraidin, "Representation at the Edge: Standing by Unpopular Clients," AALS Conf. on Clinical Legal Educ., Chicago, IL (May 2018).

Lindsay M. Harris, "Learning in Baby Jail: Lessons from Law Student Engagement in Immigrant Family Detention Centers," Northwest Clinical Law Conf., Leavenworth, WA (Nov. 2017).

Lindsay M. Harris, "Ruling From the Heart: Lessons in Dissent from Judge Harry Pregerson" & "Immigration Clinics in a Time of Crisis," Immigr. Professors Conf., Philadelphia, PA (May 2018).

Lindsay M. Harris, "Teaching the Whole Lawyer: Deliberate, Mindful and Culturally Conscious Professional Identity Formation," AALS Conf. on Clinical Legal Educ., Chicago, IL (May 2018).

Lindsay M. Harris, "Matter of A-B-: On Domestic Violence and Gang Claims," Am. Immigr. Law. Assoc. D.C. Chap. Webinar, Washington, DC (July 2018).

Marcy Karin, "Protecting Military Association at Work," NYU Clinical Law Review Clinical Writers' Workshop, New York, NY (Sept. 2017).

Marcy Karin, "Protecting Military Association at Work," Colloquium on Scholarship in Employment and Labor Law, Fort Worth, TX (Sept. 2017).

Marcy Karin, "Gender Advocacy & (Social) Media," Gender Justice Conf., UDC Law, Washington, DC (Oct. 2017).

Marcy Karin, "Response to The Hunting Ground, Title IX Week of Advocacy," Georgetown University, Washington, DC (Apr. 2018).

Marcy Karin, "Protecting Military Association at Work," AALS Clinical Conference, Work-in-Progress Session, Chicago, IL (May 2018).

Faith Mullen, "A Roadmap for Combining the Power of Story and Law Outside the Courtroom to Effect Change," Am. Society on Aging Conf., San Francisco, CA (Mar. 2018).

Lauren Onkeles-Klein, "Trauma, School Push-Out, and the Criminalization of Youth," Inst. for Equity and Excellence in Publ. Educ. & Health Alliance on Alcoholism Conf., Washington, DC (Oct. 2017).

2018-19 UDC LAW CLINIC FACULTY AND STAFF

Associate Dean of Clinical and Experiential Programs
Matthew Fraidin

Community Development Law Clinic
Louise Howells, Co-Director
Etienne Toussaint, Co-Director
Jerome Hughes, Instructor

General Practice Clinic
Faith Mullen, Co-Director
Tianna Gibbs, Co-Director

Housing and Consumer Law Clinic
Jasmin Mize, Director

Immigration and Human Rights Clinic
Kristina Campbell, Co-Director
Lindsay M. Harris, Co-Director
Saba Ahmed, Instructor

Juvenile and Special Education Clinic
Lauren Onkeles-Klein, Director

Legislation Clinic
Marcy Karin, Co-Director
Laurie Morin, Co-Director
Christopher Hill, Instructor

Low-Income Taxpayer Clinic
Jacqueline Lainez Flanagan, Director

Whistleblower Protection Clinic
Tom Devine, Director

Clinic Paralegal
Sandy Arce

Clinic Staff Assistant
Noelia Ramirez

HISTORY

History of the UDC Law Clinical Program

In 1972, civil rights lawyers Edgar S. and Jean Camper Cahn brought to life a powerful idea - a law school modeled on a “neighborhood law firm,” in which students from groups underrepresented at the bar learn to practice law while providing critical legal services to the poor.

Founded as the Antioch School of Law, the school temporarily closed its doors in 1986, but the law school community rallied, achieving the school’s reorganization as the District’s only public law school in 1986 and merging with the nation’s only exclusively urban land-grant institution, the University of the District of Columbia, in 1996. In honor of the civil rights attorney and former Chair of the

D.C. Council, the School was renamed the David A. Clarke School of Law.

Nearly fifty years after Antioch’s founding, the Cahns’ vision has contributed to altering legal education forever. Clinical legal education has emerged as a core feature of every law school in the country, and UDC Law consistently ranks among the best in the nation for clinical legal education by *U.S. News & World Report*. In the decades since its founding, UDC Law has graduated thousands of students while providing life-saving legal services to countless low-income District residents.



From left to right, Antioch School of Law co-founders Edgar S. and the late Jean Camper Cahn

Immigration continued from page 1
efficiency, patience, compassion, and organization, but it is giving each of these families a shot at gaining the protection they seek in the United States,” said Clinic Co-Director Lindsay Harris.

Many families presented difficult legal issues that forced students to wrestle with the changing law of asylum, particularly the narrowed grounds for asylum based on so-called “private violence.” Other situations confronted students with the all-too-common challenge faced by lawyers in the field – managing a case across diverse individual family members with distinct grounds for asylum. In one representative

example, a team of students had to navigate delicate family dynamics for a family of four when it was revealed that one of the teenage sons was recruited by gangs and threatened with death while his sibling suffered persecution for his sexual orientation.

The law school community turned out in force to support the event, with the D.C. School of Law Foundation treating the participants and families to lunch just as staff made sure participating students had the supplies they needed to accomplish the day’s work.

In a follow-up post to the *Clinical Law Prof* blog, Professor Harris promoted the

benefits that the workshop offers clinical educators generally. “In many ways the day is a preview of what it is like to work in the faster-paced legal services setting, contrasted with many traditional law school clinic models where ‘law in slow motion’ may be the norm,” Professor Harris wrote. While the workshop serves an important educational role, it is only one part of the clinic’s work in support of the immigrant community. This semester, clinic students are already hard at work representing asylum-seekers from Honduras, Venezuela, Pakistan, and Ethiopia, as they prepare for trial.

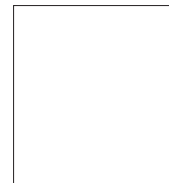
Immigration continued from page 1
Climate Science & Policy Watch blog, a watchdog publication that investigates and reports on federal climate science and policy.

Through its classroom component, Whistleblower Protection Clinic students conduct case rounds on effective working relationships with whistleblowers; “legal campaign” strategies to challenge abuses of power by government agencies and multinational corporations; the statutory framework constituting whistleblower law; and the track records of those

rights in practice. Students also learn the environmental, employment, and constitutional law whose enforcement whistleblowers defend. Under the supervision of GAP attorneys, students actively investigate claims of retaliation, engage in extensive fact development and legal research, and draft complaints for claims brought under the federal Whistleblower Protection Act and other anti-retaliation laws.

Clinic students also perform affirmative investigations to monitor government agencies and employers for adherence

to anti-retaliation law. GAP aggressively monitors government agencies for misuse of internal whistleblower protection mechanisms. Clinic students have exposed fraud, mismanagement, and abuse of authority in a variety of contexts and have investigated and taken affidavits, drafted complaints, and served as client liaisons for whistleblowers employed in areas as diverse as national security, nuclear oversight, food and drug safety, and occupational health and safety.



UNIVERSITY OF THE
DISTRICT OF COLUMBIA
DAVID A. CLARKE SCHOOL OF LAW —

4340 Connecticut Ave NW
Washington, DC 20008

(202) 274-7400

www.law.udc.edu



@udclaw



@udclaw



facebook.com/udclaw

PRACTICE **LAW**. PROMOTE **JUSTICE**. CHANGE **LIVES**.