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Learn and Serve. Take a Clinic!

The Clinical Program at the Williams S. Richardson School of Law provides instruction in professional skills and offers live-client and other real-life practice experiences that are not available in the traditional law school classroom. Every semester, about one-half of our students are developing practice skills and serving real clients in our school’s clinics and externships. Many other students are learning about law practice in simulation courses.

Our Clinical Program offers high-quality practice experiences to a large number of students in small credit, live-client clinics, simulation courses, and externships that teach and model excellent professional skills and stress a reflective method of looking at lawyering behavior. Our clinical courses are designed to serve the needs of our state and to match up with student interest. And, clinics are just plain exciting and fun!

We hope that this issue of the Clinical Legal Education Newsletter will give you a better understanding of what the Clinical Program can offer you as it highlights a few of our exciting clinical opportunities and some of the talented faculty members who teach these courses.

Join us as we continue our clinical tradition of learning and serving!

- Professor John Barkai,
  Founding co-director.

Editor’s Note

Welcome to Volume 2 of our Clinical Program’s newsletter. Like last year, I am grateful for the excellent work and technical expertise of a law student – this year, it’s Andrew Itsuno – who made this issue a reality. In addition to the updates on our live-client clinics, this issue spotlights the Elder Law Clinic and the Entrepreneurship and Small Business Clinic. This issue also presents mini-biographies of the instructors for our simulation clinical classes this fall. All important members of our bar, they provide an outstanding service to our students and we appreciate them.

- Professor Calvin Pang
The Three Part Clinic Program

At the William S. Richardson School of Law, students can choose between three types of clinical courses to supplement their legal education:

1. Live Client Clinics
2. Simulation Courses
3. Externships

Although completion of the JD program requires only two credits from a designated clinical course, UH Law students average nine clinical credit hours upon graduation.

At present, externships do not satisfy the clinical requirement for graduation.

Simulation Courses

Simulation clinical courses provide students with an opportunity to learn valuable professional skills and values in hypothetical situations developed by their teachers. Because real clients and their cases are not involved in these classes, teachers and students can take risks to achieve articulated educational goals, often to great effect. Through a loop of feedback, reflection, and repeated efforts, students grow in their lawyering skills and professional identity.

These courses are largely taught by seasoned attorneys attuned to the everyday realities of law practice.

On page 3 is the lineup of excellent practitioners teaching this fall in our simulation courses.
Simulation Course Instructors

Lawyering Skills Workshop

ANGELA LOVITT ’97 is currently the Director of Training and Special Projects at the Legal Aid Society of Hawaii. Ms. Lovitt was a member of the 1996 Client Counseling Team which finished second in the nation.

Ms. Lovitt continues to volunteer as a coach for the law school’s Client Counseling team. When she isn’t working or teaching, she can usually be found playing soccer, paddling, surfing, or enjoying other outdoor activities.

Mediation Workshop

TRACEY WILTGEN ’88 currently oversees daily operations and programs for the Mediation Center of the Pacific.

Ms. Wiltgen writes and lectures extensively on mediation and other dispute prevention and resolution processes. In 2003, she helped found a Peacemaker Committee within the Rotary Club of Honolulu. In 2005, she conducted a “peacemaking” workshop at the Rotary International Convention. As a direct result, Rotary Clubs internationally and throughout the U.S., created similar Peacemaker Committees.

Pre-Trial Litigation

DEREK R. KOBAYASHI ‘90, a Member of the Schlack Ito law firm, advises clients in litigation matters. While his present focus is litigation, he also has experience in real estate, business law and estate planning.

Mr. Kobayashi was trained as a mediator while attending the University of Hawaii. For his outstanding pro bono efforts, he received the Hawaii State Bar’s Ki’e Ki’e award in 1999, the Legal Aid Society’s Pro Bono Achievement Award in 2010, and the Hata Foundation’s Stars of Hope Award in 2012.

Pre-Trial Litigation

STEFAN M. REINKE, a graduate of the UC Davis School of Law, is a partner practicing in the area of civil litigation. His practice includes tort, insurance, employment, product liability, and bad-faith litigation cases. A triathlon coach, he has also served on several community boards.

Trial Practice

JAMES E.T. KOSHIBA, the founder of Koshiba Price Gruebner & Mau, is recognized as one of Hawaii’s premier litigators. Mr. Koshiba currently specializes in business litigation, labor disputes, construction litigation, representation of major property owners, white collar criminal cases, and commercial transactions.
The Elder Law Clinic - Professor James Pietsch

The longest continuously running civil clinic at the William S. Richardson School of Law

The goal of the Elder Law Clinic is to provide students a quality education with “real-life” experiences representing older clients with a variety of Elder Law issues. Directed by Professor James Pietsch with the help of Dr. Lenora Lee, the clinic combines traditional classroom education with the opportunity to provide direct legal services under the close supervision of a professor.

The clinic divides students into groups of two to three. Each group is assigned to roughly eight clients over the semester. The clinic allows students to serve socially and economically needy older persons in areas involving public entitlements, elder abuse, age discrimination, healthcare, and more.

Cases range from simple to complex and allow students to gradually expand their legal skills and experiences. If clients feel uncomfortable in having students work on their cases, they can opt out at any time. However, potential clients tend to be thrilled to help and really become a part of the teaching team.

In one situation, students were able to help an elderly person dying from cancer make his own decisions concerning end of life medical treatment. Although the man did not want to prolong his life using medical treatment, his wife demanded otherwise. Clinical protocol required his wife to leave the room, so that he could make his own decision in privacy.

Without his wife present, the man adamantly chose not to prolong his life with treatment in the event he would no longer be able to communicate his choices. The experience helped clinical students realize the importance of having protocol that keeps a client’s interest private because, as witnessed in the instant case, a client’s significant other’s personal preference could unduly impact the dying client’s autonomy and self-determination.

To get into the Elder Law Clinic, students must first complete the “Law, Aging, and Medicine” course.
The Small Business and Entrepreneurship Clinic
Helping Small Businesses and the Community

The Small Business and Entrepreneurship Clinic, directed by Professor Gregory Kim, strives to expose students to all sorts of clients, from mom and pops, to high growth companies, to tech companies, and retail.

The clinic is comprised of two components: client assignments and client outreach. For the client assignment component, clinical students form teams of two to three individuals and undertake two to three different assignments during the term.

Prospective clients are asked to propose projects relating to the single most important thing they need help with. This usually entails document drafting – either relating to a contract for services or forming a company.

For the client outreach component, consultations are arranged with the public to answer basic legal questions that they might have. Again in small groups, students meet with clients for 45 minutes, supervised by Professor Kim. The clinic has partnered with the Small Business Development Center and the Manoa Innovation Center in the past.

Students are expected to dedicate at least eight to ten hours a week working on client matters. Because students must coordinate with their own teammates as well as their clients, their schedules must possess a certain amount of flexibility.

In addition, students are expected to keep up with the required weekly readings and assignments, which are designed to expose them to the potential issues that may arise when dealing with clients. An advantage for students is that they receive this introduction to the “real world” experience in a classroom environment.

The Child Welfare Clinic – Professor Liam Skilling

Co-directed by Professor Liam Skilling, the Child Welfare Clinic’s goal is to improve the delivery of child welfare services in Honolulu.

Clinical students get to work in multi-disciplinary teams made up of students from the schools of law, nursing, social work, and education. The clinic also partners with community organizations such as Youth Outreach and the ACLU.

The Child Welfare Clinic does not work on active cases, like other live-client clinics. Rather, students create projects and see them through the semester. Past projects include preparing legislative testimony on issues relating to foster youth or establishing a LGBTQ teen group at Farrington High School.

Eventually, the clinic hopes to add psychology students to its teams and begin using multi-disciplinary collaboration on real cases.
The Hawaii Innocence Project
Professor Virginia Hench

On a Successful Fundraiser: “Justice – For Maurice Henry Carter”

The Hawaii Innocence Project (HIP), directed by Professor Virginia Hench, provides free representation to incarcerated persons who have a credible claim of actual innocence. Founded in 2005, the project is staffed by volunteer attorneys, Brook Hart, William Harrison, Susan Arnett, and the law students enrolled in the HIP Clinic.

HIP held its very first fundraiser, “Justice – For Maurice Henry Carter,” a staged reading of a play by Donald Molnar and Alicia Payne on March 26, 2012 at the Manoa Valley Theater. The play was directed by Russell Motter, and had UH Manoa Professor Neal Milner starring as Doug Tjapkes and James Harbor portraying Maurice Carter. The event was emceed by Law School Dean Aviam Soifer.

“Justice – For Maurice Henry Carter” examines one of the country’s most prominent cases of wrongful incarceration of a man convicted of shooting and wounding a police officer in Michigan, even though eyewitnesses insisted it wasn’t him. He died of end-stage liver disease in 2004, shortly after his sentence was commuted for medical reasons.

Across the country, 289 wrongly convicted people have been freed from incarceration thanks to dedicated advocates, DNA testing, and the nationwide “Innocence Project.”

The Family Law Clinic – Professor Jennifer Rose

Co-taught by Professor Jennifer Rose and Legal Aid attorney, Tara Shibuya, the Family Law Clinic allows students to gain practical experience, by representing survivors of abuse on the (civil) Family Court domestic violence calendar.

The clinic offers a unique opportunity for students to understand how to represent a client in extreme stress situations, where clients are often in crisis, experiencing emotional and physical trauma, and who are in danger of further trauma, coercion, and violence.

Students conduct client interviews at the Legal Aid Society, in downtown Honolulu, and commute to the Kapolei family court, for hearings.

The instructors take a hands-off approach and allow the students to conduct intake interviews and decide appropriate legal strategy while representing their clients in court.
The Native Hawaiian Rights Clinic
Community Outreach in a Big Way

The Native Hawaiian Rights Clinic, taught by Prof. Melody MacKenzie and Law Lecturer Stephanie Chen in spring 2012, confronts complicated access-to-justice issues by providing informational assistance to pro se defendants through community outreach and educational workshops.

The clinic has focused on issues of quiet title, partition, and adverse possession - legal actions that are often used to clear title to and divide interests in land – sometimes with inadequate notice to those with an ownership interest. Historically, these legal actions have been used to dispossess Native Hawaiian families and individuals of their legal interests in ancestral lands.

The Native Hawaiian Rights Clinic is the third part of the overarching Aʻo Aku Aʻo Mai Initiative, which seeks to address this inequity by publishing a primer on land-title actions, providing direct informational assistance to pro se defendants, and involving law students through legal clinics.

Working closely with Prof. Kapua Sproat’s Environmental Law Clinic on the Aʻo Aku Aʻo Mai Initiative, students in the two clinics facilitated community outreach and education workshops on Oʻahu, Molokaʻi and Maui.

Through community outreach, the Native Hawaiian Rights Clinic hopes to provide enough informational assistance so pro se defendants can make informed decisions about whether to participate in a case. If a pro se defendant chooses to participate in a case, then the initiative’s next goal is to provide enough information so that he or she can effectively participate in the legal process.

By learning about land title actions and access-to-justice issues, clinical students become better attorneys and advocates for the Native Hawaiian community. The students also develop a better understanding of how to improve access to the justice system.

In the past, the clinic has worked on issues related to the protection of iwi kūpuna (ancestral remains) and customary practices. Fortunately, with the financial support of the Office of Hawaiian Affairs, the clinic will continue working with communities to help them prepare for pending quiet title actions.

“The Clinical students become better attorneys”