The William S. Richardson School of Law

Clinical Legal Education Newsletter

Preparring Students for the Practice of Law

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A Message from the Co-Directors

Thanks to 2L Andrew Itsuno, we are able to present this second issue of our WSRSL Clinic Newsletter for the 2012-2013 school year. As the school year ends, we celebrate three new clinic courses from this past year – the Public Interest Lawyering course, which debuted this year, the Medical Legal Partnership for Children Clinic, which draws from years of providing interdisciplinary experiences to law students doing either externships or pro bono work at the Medical Legal Partnership for Children Project, and the Immigration Law Clinic, which was successfully taught in the past but was on hiatus for several years before its relaunch this year. You will find articles on each in this issue.

As we go to print, we just received news from Dean Soifer that we took a huge step toward obtaining state funds to build the law school’s “Community Legal Outreach Center.” The Center, affectionately called “CLOC,” will include physical space for our clinics. This will provide opportunities for growth and advancement in the teaching of our students as they become practice-ready lawyers. We hope that in the next issue, we can report more on this marvelous development.

Hopefully, these opportunities will coincide with the movement in law schools nationally to spotlight, explore, and develop experiential learning in all of their classrooms, not just those traditionally labeled “clinical.”

We hope you enjoy this issue.

John Barkai and Calvin Pang,
Co-Directors, Clinical Legal Education Program
Fall Simulation Courses

Featuring some of Hawaii’s premier attorneys. Don’t miss out!

Stefan Reinke – Pre Trial Litigation

STEFAN M. REINKE, a graduate of the UC Davis School of Law, is a partner at Lyons, Brandt, Cook, & Hiramatsu, 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 projects.

Gail Cosgrove – Pre-Trial Litigation

GAIL Y. COSGROVE ‘81 is a partner in the law firm of Hisaka Yoshida & Cosgrove. Her work involves civil litigation, primarily medical liability, complex litigation, product liability and toxic tort litigation.

Charles Price – Trial Practice

CHARLES A. PRICE is a partner in the law firm of Koshiba Price Gruebner & Mau. A graduate of the University of Maryland School of Law, Mr. Price’s practice areas are general civil litigation, insurance coverage litigation, labor and employment law, personal injury litigation, and real property litigation.

Lawyering Skills – Angela Lovitt

ANGELA LOVITT ’97 is currently the Director of Personnel Development and Compliance at the Legal Aid Society of Hawaii. Ms. Lovitt is 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.
Clinic Updates

Hawaii Innocence Project

On April 8, 2013, the Hawaii Innocence Project hosted an event featuring Judge Mike Heavey of Washington's King County Superior Court on wrongful convictions and DNA evidence that dealt with the case of Amanda Knox. Knox is an American-born college student who was convicted and exonerated and now is being retried for murder in Italy.

Native Hawaiian Rights Clinic

Students in the Native Hawaiian Rights Clinic, working with the Environmental Law Clinic on the A‘o Aku A‘o Mai Initiative, facilitated community outreach and education workshops on O‘ahu, Moloka‘i, and Maui.

Small Business and Entrepreneurship Clinic

For the Small Business and Entrepreneurship Clinic’s client outreach component, consultations were arranged with the public to answer basic legal questions they might have. Students in small groups, met with clients for 45 minutes supervised by Professor Kim.

Elder Law Clinic

The Elder Law Clinic continued to provide law students with a variety of experiences in the delivery of legal services to socially and economically needy older persons, veterans and their caregivers. Each student was afforded the opportunity to visit a nursing home, to make a public presentation to a senior group as well as to assist individual clients with such matters as wills, powers of attorney, and advance directives. The Elder Law Clinic also hosted a panel of experts discussion presented to an overflow crowd at the law school on the subject of end of life decisions.

Family Law Clinic

In Spring 2013, the Family Law Clinic achieved successful results for its clients. Examples included obtaining a protective order for victims of abuse and helping a needy family gain increased child support plus a $2000 judgment for past due support. Students provided full representation in addition to attending pro se clinics at Legal Aid where they assisted clients with divorce and paternity forms. This spring, Legal Aid attorneys Desiree Hikida and Stacia Silva joined Tara Shibuya as co-instructors, teaching a wide range of family law subjects, including orders for protection, child support, custody, divorce, and paternity. Next year, the Family Law Clinic will offer students different experiences each semester: in the fall, Jennifer Rose will focus more on domestic violence advocacy, and in the spring, Legal Aid lawyers will supervise students interested in assisting needy clients with various family law cases.
The Immigration Law Clinic
Legal representation for vulnerable non-citizens

This Spring, under the expert guidance of attorney mentors Bow Mun Chin, John Robert Egan, and Gary Singh, the Immigration Law Clinic reopened its doors to assist non-citizens in need. But for the skills and pro bono assistance of these mentors, the clinic could not have gone forward.

Six intrepid students, Dan Ellis, Rick Macapinlac, Shirley Lou-Magnuson, Michelle Moorhead, Shelby Taguma, and Mike Youn, braved security-minded immigration laws and their clients’ difficult circumstances to provide representation in cases referred by the Honorable Dayna Beamer (WSRSL 1980), the senior judge for the Immigration Court in Honolulu. In each case, clients faced deportation. At this writing, many of the cases are ongoing with the students working on defenses against the government’s adverse actions. The clinic also accepted two appellate cases from the Catholic Legal Immigrant Network in Washington D.C. These will require students to use their brief writing skills acquired from their Legal Practice classes.

Providing the administrative support, direction, and planning for the clinic, Professor Calvin Pang has come to appreciate both the challenges and joys of immigration law practice. He explained, “At the core of each of our cases is the deep desire to keep a family together. If the government succeeds in removing our clients, their families will experience severe disruption. One of our clients did decide to leave the country voluntarily; it is not surprising that when he left, his family decided to leave with him. It was the only way they could stay as a unit despite the financial sacrifice.”

Professor Pang foresees having the clinic return in the spring of 2014. “My intent is to keep the clinic going until it has the footing to be one of the school’s pillar clinics. We are fortunate this year to have the pro bono help of John Egan, Bow Mun Chin, and Gary Singh to keep us afloat. In addition to coaching us on cases, John and Bow Mun helped me figure out the moorings for the clinic. Gary was just plain heroic in being at our hearings and making sure we did not shoot ourselves in the foot. He framed the issues and strategies for most of our cases and spent many a weekend mentoring me and the students. I am also grateful to Judge Beamer and her staff for being patient as we build our foundation.”

As with any new clinic, this one has growing pains. But as Professor Pang has often stated this semester, “We’ve ridden on the wings of many this semester – our attorney mentors, our persevering students, our guest speakers, the immigration court, even opposing counsels. Many acts of grace got us through this first semester. My plan is to gratefully take these gifts and build from them.”
The Medical Legal Partnership for Children Clinic
Providing an interdisciplinary approach to serving children

After supervising law externs and mentoring pro bono law students for several years in her Medical-Legal Partnership for Children Legal Advocacy Clinic, Dina Shek, launched her Medical-Legal Partnership for Children Clinic (MLPC) course for academic credit this year.

Although intending to integrate her students into her community legal advocacy clinic, scheduling conflicts made this impossible. Instead, she devised collaborations with community partners and government agencies, including the Palolo Ohana Program, the Hawaii Civil Rights Commission, and representatives of the U.S. Employment and Equal Opportunities Commission, to gather ground-level accounts of employment discrimination in Hawaii. She also assigned students to work with Waipahu High School students who were also learning about the social determinants of health in their “Health Services Pathway” capstone class. Law students mentored their high school counterparts in drafting papers and completing community service projects dealing with language access.

In their exposure to community-based, interdisciplinary problem solving, students were encouraged to think “upstream” to policy issues – living wages, employment laws, and early childhood development laws – that impact families. They also had to think inwardly, reflecting deeply on their experiences, assumptions, and roles in serving the poor. Professor Shek wants her students to think beyond being just traditional legal advocates. She wants them to become “champions” for their clients.

Professor Shek expanded her students’ awareness and compassion for the multiple challenges faced by poor, struggling families. This led to a greater understanding of client counseling issues, made complex by the overlay of differing cultural expectations and values.

As Director of Hawaii’s first Medical-Legal Partnership, Professor Shek has long used a deeply interdisciplinary approach to resolving problems experienced by children of low-income, often non-citizen families who frequent the Kokua Kalihi Valley Comprehensive Family Services Center. In working with her MLPC students, Professor Shek engenders an understanding of the “social determinants of health.” These determinants are the social factors – including laws and administrative rules – that impact the health of families. Students learn how rules regulate access to safe, stable housing, public benefits, employment security, education, and health care. These, in turn, affect well-being. In addition, rules impact family issues, such as domestic violence and the care of vulnerable persons.

Dina Shek, Esq.
The Public Interest Lawyering Clinic
Understanding poverty in Hawaii and building positive actions

This year, Paul Alston of Alston, Hunt, Floyd and Ing and David Reber of the Goodsill Anderson Quinn and Stifel teamed with Victor Geminiani and Gavin Thornton of the Hawaii Appleseed Center on Law and Economic Justice to offer a clinic entitled “Public Interest Lawyering.” The intent was to help students understand the dynamics, challenges and rewards of working with underprivileged individuals and groups in Hawaii, then to engage them in projects to alleviate problems that disproportionately affect the poor.

The course began its inaugural year with guest speaker Peter Edelman, the well-regarded scholar on law and poverty from Georgetown Law School. This launched additional conversations through the fall semester with well-respected legislators, lobbyists, and public interest lawyers. These exchanges provided the foundation for identifying, discussing, and selecting work projects that would extend into the spring semester.

Seven of the original twelve students stayed in the spring, joined by two new students. Together they worked on projects, some requiring approaches that departed from those commonly used by traditional lawyers.

This year’s projects included legislative advocacy to prevent gambling, improving access in a building occupied by older adults with disabilities, engaging in community dialogues on homelessness and affordable housing, addressing language and cultural barriers to government services, and shaping our approaches to mentally ill individuals who come into contact with the criminal justice system.

The Hawaii Appleseed Center, led by Gavin Thornton and Victor Geminiani, provided much of the ground level direction and integrated the students in some of their research projects and lawyering work.

While still processing the many experiences from their first year, Professors Alston and Reber would like to continue their course, extending it over the entire academic year to ensure a continuous experience for their students. They hope that the intensity and depth of the experience, which often required students to devote 5-10 hours of work per week, engendered a career-long interest in making a positive difference in the lives of disadvantaged individuals who are unable to advocate for themselves.

Richardson’s Clinic Requirement

- All students at Richardson must complete at least 2 credits of clinical courses to graduate.
- Students can begin to take clinics after the completion of their 1L year.
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:

**Live Client Clinics**
- Child Welfare Clinic
- Criminal Defense Clinic
- Elder Law Clinic
- Environmental Law Clinic
- Family Law Clinic
- Hawaii Innocence Project
- Immigration Law Clinic
- Medical Legal Partnership for Children Clinic
- Native Hawaiian Rights Clinic
- Prosecution Clinic
- Entrepreneurship and Small Business Clinic
- Public Interest Lawyering Clinic

**Externships**

**Simulation Courses; Skills-based but no real clients**
- Environmental Litigation Seminar
- Estate Planning Workshop
- Lawyering Skills Workshop
- Mediation Workshop
- Negotiation + ADR
- Pretrial Litigation
- Trial Practice

The Clinical Program at the William S. Richardson School of Law provides its students with three ways to gain crucial “real world” experience to supplement their legal education: Live Client Clinics, Simulation Courses, and 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 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.