The clinics at DU are in full swing this semester. We continue to execute our Strategic Plan—focused on the modernization of legal education—and are extremely pleased by recent recognition from U.S. News & World Report, which ranked our clinical program #12 in the country. Most importantly, our students are enjoying tremendous learning opportunities and successes while participating in challenging cases.

Recently our students have effectively aided their clients on a diverse set of matters: the Environmental Law Clinic successfully blocked a federal timber permit that would have allowed logging on environmentally fragile lands in Southern Colorado; the Civil Litigation Clinic obtained a substantial monetary judgment for a client against an employer who refused to pay the client his lawful wages; the Criminal Defense Clinic won their first “Occupy Denver” trial; and the Civil Rights Clinic is about to begin a trial in federal court on behalf of a client with an untreated mental illness who has been in solitary confinement in the state supermax for the past twelve years.

Administratively, Environmental Law Clinic Fellow Kevin Lynch is completing his three-year clinical fellowship and has recently accepted an assistant professor position in that clinic. Additionally, the Civil Litigation Clinic and Civil Rights Clinic are each in the process of hiring visiting lecturers for the upcoming academic year.

Finally, as one academic year draws to close and another approaches, we look forward to an exciting future, as the Clinic continues to support the law school’s approach to experiential education with its diverse areas of specialization. In that sense, the Clinic is not only a center of excellence in its own right, but also plays a unifying and connective role within the Sturm College of Law.

Laura Rovner
Ronald V. Yegge Clinical Director and Associate Professor of Law
“Over the River” hits new snag with ELC lawsuit

On February 1, 2012, students in the Environmental Law Clinic (ELC) filed suit in federal court to block the proposed “Over the River” industrial scale art project created by artist Christo. The project proposes hanging polypropylene fabric panels over 5.9 miles of the Arkansas River in scattered sections along a 42-mile stretch.

The suit was filed against the U.S. Bureau of Land Management on behalf of the grassroots, all-volunteer citizen group Rags Over the Arkansas River (ROAR), whose members are dedicated to preserving and protecting the headwaters of the Arkansas River and Bighorn Sheep Canyon. The group opposes the industrial-scale art project, citing numerous environmental and dangers to the residents and visitors to the area.

The suit was filed by students Mason Brown, 3L, and Justine Shepherd, 3L, under the guidance of Professor Michael Harris.

“The Bureau of Land Management and other government officials refuse to acknowledge that the impacts of this project are not ‘short term in nature,’” Harris says. “For a two-week exhibition, the BLM has authorized Christo to undertake a two-year construction project in one of the most environmentally sensitive areas along the Arkansas River. The boring of over 9,000 holes into the bedrock along the riverbank and the installation of a complex system of cables and anchors will damage the area’s scenic, cultural and wildlife resources just as if the bureau had authorized the development of a massive mining operation in the canyon.”

ROAR spokeswoman Joan Anzelmo characterized ROAR’s battle to stop Christo’s destructive Over the River project as a modern-day David versus Goliath struggle.

“With this lawsuit,” she says, “ROAR is aiming its sling shot directly at the Goliath Over the River project and at the Bureau of Land Management that gave the go-ahead despite its federal stewardship responsibilities for public lands, water, wildlife.”

The suit was prepared in June 2009 by then-student Jacob Schlesinger, JD’09, and ELC Fellow Ashley Wilmes under the direction of ELC Director Michael Harris. It named the U.S. Forest Service and Department of Agriculture, then was filed in federal court in Denver on behalf of environmental groups WildEarth Guardians and Colorado Wild, now known as Rocky Mountain Wild.

Student lawyers Mason Brown, 3L, and Justine Shepheard, 3L, argued the case in federal court in December 2011 under a provision that allows students to practice in federal court while supervised by a licensed attorney.

ELC works to protect Rio Grande from destructive run-off

Students in the Environmental Law Clinic (ELC) at the University of Denver Sturm College of Law have successfully blocked a federal timber permit that would have allowed logging on environmentally fragile lands in southern Colorado. Runoff from the area feeds the headwaters of the Rio Grande.

The river is a major source of drinking water for millions of people in Colorado, New Mexico and Texas, and provides water for agriculture in both the United States and Mexico.

The suit was prepared in June 2009 by then-student Jacob Schlesinger, JD’09, and ELC Fellow Ashley Wilmes under the direction of ELC Director Michael Harris. It named the U.S. Forest Service and Department of Agriculture, then was filed in federal court in Denver on behalf of environmental groups WildEarth Guardians and Colorado Wild, now known as Rocky Mountain Wild.

Student lawyers Mason Brown, 3L, and Justine Shepheard, 3L, argued the case in federal court in December 2011 under a provision that allows students to practice in federal court while supervised by a licensed attorney.

ELC fights against sea lice parasites in British Columbia

The Environmental Law Clinic recently submitted a NAFTA petition to the Commission on Environmental Cooperation regarding the impacts of salmon farming in British Columbia on wild salmon populations. The concentration of salmon feedlots along important salmon migration routes creates a concentration of sea lice parasites as well as pollution and toxic chemicals that harm juvenile salmon and degrade their habitat. Despite the links between the impacts of salmon farms and dramatic declines in wild salmon populations, the government of Canada has failed to protect this important natural resource by enforcing its Fisheries Act.

The Clinic submitted the petition on behalf of the Center for Biological Diversity as well as the co-petitioners Pacific Coast Wild Salmon Society, Kwikwas’inuxw Haxwa’mis First Nation, and the Pacific Coast Federation of Fishermen’s Association.

Criminal Defense Clinic

The Criminal Defense Clinic (CDC) continues to accumulate victories in county and municipal courts across Denver. In addition to getting outright dismissals in a number of cases, students from last semester won three “not guilty” verdicts in three municipal courts. CDC students are also looking forward to engaging in a vigorous motions practice, and have written and will argue challenges on First, Fourth, Fifth, Sixth, and Fourteenth Amendment grounds.

On April 5, 2012, two of our second-semester CDC students, Mikhail Laskin, 3L, and Christopher Linas, 3L, received an acquittal after a jury trial in Denver General Sessions court. Our client, one of the “Occupy Denver” protesters, was charged with obstructing a roadway and throwing missiles. The acquittal on both charges was earned after a two-day trial, the first trial for both Mr. Lins and Mr. Laskin. Despite testimony by a Denver Police Department officer that our client was throwing chains into the roadway of the Sixteenth Street Mall, the jury returned its “not guilty” verdict in less than half an hour. The trial was the first “Occupy Denver” case to be tried by CDC students.

Student Reflections

Mikhail Laskin, 2L

Criminal Defense Clinic

Once optily described as a “knife fight in a phone booth,” the Criminal Defense Clinic is an experience that gives life to the theory provided in the classroom, and without this experience law school would not be much other than theory. It’s an experience every student should have before graduation. Specifically in the Criminal Defense Clinic, it is a common daily occurrence to have your boundaries, will and dedication tested. At the end of the day, it’s up to the students to make the experience what they want it to be, and the professors are always willing to support and foster our strengths and fight through our weaknesses. That is truly the most striking part. At some point, you realize that it has been what you were willing to make it all along, and the professors just stoke your fire for justice (whatever that may be to you as an individual) and they create this seamless working environment that pushes you to your outermost limits of real life skills and knowledge. Sometimes it’s hard to imagine that it was actually you, the student, who has made it through all of the experiences you have had in the clinic. It’s a feeling of pure enlightenment which I believe will carry me through the tough times of my career as a lawyer and advocate. I only wish that everyone in law school had this opportunity.

—Mikhail Laskin, 2L
Community Economic Development Clinic

Working with a Denver Neighborhood Organization

Obtaining a signed engagement letter from your client is often a routine, preliminary step in the representation. However, it represented a unique challenge for our client. The Community Economic Development Clinic (CEDC) represents a neighborhood organization (the “Neighborhood Organization”) that advocates for residents of one of the poorest urban neighborhoods in Colorado. The Neighborhood Organization is a multi-ethnic community where Somali, Vietnamese, and Spanish are spoken. In it, children can usually be found playing in the serpentine streets that snake through one of Denver’s largest public housing projects, where nearly all of the residents live. The Neighborhood Organization sought out the CEDC’s help to maximize residents’ community participation rights throughout a proposed transit-oriented development project (the “TOD Project”) affecting the community.

Our client is concerned that other, more powerful voices will overshadow residents’ voices, and that residents will be displaced as a result of the development.

We met with our client’s community organizer and discussed how to get the client engagement letter signed. In addition to outlining the scope of the representation, the engagement letter identifies an individual member of the Neighborhood Organization to serve as the client’s agent throughout the representation. The Neighborhood Organization is informally structured, with no individual member of the organization, such as a president or executive officer, authorized to sign the engagement letter on behalf of the entire organization. Furthermore, because the community organizer is not a member of the Neighborhood Organization, we needed our client’s permission to speak with the community organizer about information relating to the representation. Obtaining both of these authorizations was essential to the facilitation of our representation.

We faced the challenge of evidencing decision-making and organization authorizations for our client, we drafted a resolution that authorized an agent to act on our client’s behalf and also authorized us to communicate with the community organizer. This organizer reserved a slot for us in the agenda for the Neighborhood Organization’s upcoming general meeting, and before we knew it we were standing in the back room of the local youth center, introducing ourselves to our client, and explaining the resolution so that our client could adopt it.

Due to the diversity of the Neighborhood Organization’s membership, speaking at the general meeting produced a surreal echo of languages. As English came out of our mouths, we heard Vietnamese translations in one ear and Somali translations in the other. Members asked a wide range of questions. One man asked why the Neighborhood Organization needed more representation when he had already met a representative from city council; another man cynically asked how anyone was going to fund a development project in this economy. Throughout this chaotic dialogue, we listened to our client’s concerns about the TOD Project and explained the impact of the resolution. Finally, the community organizer called a vote, and the Neighborhood Organization adopted the resolution. We passed around a clipboard to collect as many signatures of the voting members as possible to evidence the passage of the resolution. The resident identified to serve as our client’s agent was now vested with the necessary authority, and signed the engagement letter, officially commencing our representation. Leaving the meeting, we felt relieved that we were able to effectively communicate our message, and acutely aware of our client’s vulnerability and the immense responsibility we now possessed.

—Elizabeth Phillips, 2L & Benjamin Glick, 2L

Civil Rights Clinic

The CRC fights the state in federal court

The Civil Rights Clinic (CRC) represents Troy Anderson, a mentally ill prisoner who has been held in solitary confinement for over ten years. Prisoners held in solitary confinement at the state supermax, Colorado State Penitentiary, are never allowed outside. As a result, Mr. Anderson has not felt direct sunlight or rain on his skin in over a decade. The CRC argues that this treatment, which is almost unheard of in modern prison systems, is cruel and unusual punishment that violates the Eighth Amendment. Mr. Anderson is also denied the medications that are most commonly prescribed in the community for his mental health conditions, a denial that prevents him from improving his behavior to progress out of isolation. His legal team argues that this denial violates both the Eighth Amendment and the Americans with Disabilities Act.

The student team that represents Mr. Anderson—Katherine Hargrave, 2L, Brenden Desmond, 3L and Maha Kamal, 2L—survived a motion for summary judgment on all claims and are preparing to try the case in federal court. The trial begins on April 30, 2012, and is set for eight days. The team successfully argued for Mr. Anderson to be able to attend his own trial, a right that is not guaranteed in the civil system. Besides providing a chance to vindicate his right to be free from cruel and unusual punishment, the eight days in court will provide the only week that Mr. Anderson will be outside of his cell, and able to sit next to other people, in the past decade.

Students Oppose Summary Judgment

After taking and defending fifteen depositions this fall on behalf of their client, Matt Mallory, CRC students Anna Alman, 3L, Jaclynn Townsend, 3L and Jim Swihart, 3L, are drafting an opposition to the government’s motion for summary judgment. Mr. Mallory nearly died when multiple medical and correctional staff ignored his pleas that he was vomiting blood in his cell. After several days of being disregarded and disbelieved, Mr. Mallory collapsed and was only able to survive after spending weeks in the hospital and enduring multiple surgeries. His student team spent last fall conducting extensive discovery work, including document requests, interrogatories, and depositions. Based on their legal research and diligent follow-through, the team was able to successfully obtain numerous documents claimed to be privileged by the state.

Through painstaking review of the documents and creative advocacy, the student team was able to have two previously dismissed defendants reinstated by demonstrating that they had purposefully ignored Mr. Mallory’s complaints. The lawsuit also asserts liability against medical staff supervisors, relying on evidence that these individuals ignored known deficiencies in the medical care being provided to prisoners. The student attorney’s hope to both obtain recovery for Mr. Mallory, who is now successfully out on parole, and to demonstrate that the medical care in Colorado prisons supports a "culture of indifference" by allowing disbelief of prisoners’ medical complaints and inadequate treatment to persist.
CLC students, Zane Christensen (l), 2L, and Eric Apjoke (r), 2L with their client Jose Munoz Rivera. In the spring of 2009, Civil Litigation Clinic students obtained a $30,000 judgment for Mr. Munoz for unpaid wages by his employer. But after the students got the judgment, the former employer refused to pay it and filed for Chapter 13 bankruptcy. The case then worked its way through to a settlement. Munoz received the payments that he is due as a creditor. The CLC wins housing for homeless client

CLC students Dominique Layton, 3L, and Bill Gisi, 3L, represented Kevin Guilmot in a challenge to his denial of subsidized housing. Mr. Guilmot lost his job, which led to his eviction from his apartment and eventually homelessness. While living on the streets during a brutally cold winter, Kevin suffered from frostbite, which resulted in the amputation of one foot. Despite his homelessness and disability, his application for government-subsidized housing was denied because of a debt to his former landlord. Through creative and zealous advocacy, Layton and Gisi were able to win Mr. Guilmot’s admission into a large, sunny and wheelchair-accessible subsidized apartment.

ALUMNI REFLECTIONS

Civil Litigation Clinic

Julie Davis, JD’08, always wanted to work with the elderly. At DU, she took electives on trusts and estates, and completed two elder law externships. In her final year, Davis enrolled in the Civil Litigation Clinic, where she remained focused on senior issues, from civil protection orders to housing benefits.

After graduation Davis worked for a local elder law firm for eighteen months before launching her own firm, Care Law Colorado, LLC. Davis, 43, says many law- ers are trained to keep clients at arm’s length, but elder law is different. She meets clients in their homes, in the hospital, even on their deathbed. She doesn’t bill by the hour, since so much of her time is spent talking to clients about their lives.

“It’s a very emotional thing, approaching the end of life,” Davis said. “I’ve cried with clients before, but I think that makes me a better attorney.”

You can’t get too emotionally involved, though, she says. Davis credits the Civil Litigation Clinic, and especially Professor Kuennen, with teaching her to balance the many roles her field requires: attorney, social worker, counselor, advocate and friend.

For Davis, the work is especially personal. Her mother fell gravely ill during Davis’s first year at DU. Davis missed three weeks of classes, and nearly withdrew from law school. But the experience also proved immensely motivating for the would-be elder law attorney.

“If I hadn’t been there to yell at the top of my lungs, there wouldn’t have been anyone for her,” Davis recalls. “I looked around the ICU and saw a lot of people in the same situation.”

Sadly, Davis’s mother died that same year. Though there were no other clients in the clinic, Davis found the work to be cathartic.

“I meet a lot of people who remind me of her,” Davis says. “It makes me want to help them that much more.”

-Gary M. Chandler

Our first case in the Civil Litigation Clinic was a bit intimidating at the outset. Our clients were eleven Spanish-speaking Mexican immigrants whose employer refused to pay them after they’d worked outdoors for three weeks in the cold Colorado winter building a chain-link fence. To make it convenient for the clients, who work hard every day trying to eke out a living, we met them in the evening at one of their homes. We learned that each of the men was owed several thousand dollars, and each of them was desperate to be paid. Before we began representing them, they had demanded payment from their former employer, but he had ignored them. After determining how much each client was owed, we sent out letters to the employer, demanding that they pay or that we file suit. After receiving our demand letters, the former employer immediately agreed to pay all of the clients. Though we had to negotiate with the former employer in a parking lot in rural Colorado in the middle of a snowstorm, our eleven clients walked away with over $30,000. It was an eye-opening experience to learn that there are employers who refuse to pay their employees simply because they think they can get away with it. But to see firsthand that we can use our legal skills to win justice for those who deserve it the most and have access to it the least, was a truly amazing experience.

-Tara Jarfeld, 2L; Jenni Barnes, 2L, and Jennifer Rentrop, 2L

The CLC fights for the rights of workers, tenants and victims of domestic violence

By the middle of the Spring semester, students in the Civil Litigation Clinic had already stopped five evictions of tenants from low-income housing, including the case of a disabled mother of five whose entire family was on the verge of homelessness until student attorneys intervened. Students also represented sixteen women who have been stalked and attacked by their intimate partners by obtaining civil protection orders on their behalf. In one case, the client—a mentally disabled woman—was not only repeatedly physically attacked but also was exploited financially.

Students also continue to litigate against a large national retailer on behalf of their clients, who were discriminated against, and in some cases discharged, because of their race and, in the latter case, religion.
Faculty Highlights & Announcements

Assistant Professor Patience Crowder
Community Economic Development Clinic

Elected to CLEA Board of Directors (December 2011).


Academic Spotlight Recipient, University of Denver (January 26, 2012).

“Intersections and Divergence of Interests: Coalition-Building among People of Color Communities,” Panelist, 2012 Southeast/Southwest People of Color Legal Scholarship Conference, Cumberland School of Law, Birmingham, Ala. (March 30, 2012).

Whiting Fellow Eric Franklin
Community Economic Development Clinic


Assistant Professor Michael Harris
Environmental Law Clinic


Michael and his wife Charlotte announced the birth of their son, Raymond, on January 1, 2012.

Associate Professor Tamara Kuennen
Civil Litigation Clinic

Served as faculty for the National Judicial Institute on Domestic Violence, a partnership between the Department of Justice Office on Violence Against Women and the National Council of Juvenile and Family Court Justices, at conferences in Santa Fe in December 2011, San Francisco in April 2012 and Chicago in June 2012.

“The Ethics of Survivor-Centered Lawyering,” co-facilitated with Erica Susman, executive director of the Center for Survivor Agency and Justice, national webinar for attorneys representing victims of domestic violence (February 13, 2012).

The ABA Commission on Domestic Violence invited Prof. Kuennen to become a faculty member, in conjunction with the National Institute for Trial Advocacy, to train attorneys representing victims of domestic violence (February 2012).


Assistant Professor Christopher Lasch
Criminal Defense Clinic

Trial Advocacy Workshop, Faculty Member, with Prof. Robin Walker Sterling, Harvard Law School (January 2012).

“Considering the Precedents for Immigration Detainers: Fugitive Slave Rendition and Criminal Rendition,” Seattle University School of Law (February 13, 2012).


Interviewed about immigration and how it relates to states’ rights, Tenth Amendment Center web radio (the interview begins at 43:00) http://radio.tenthamendmentcenter.com/2011/12/tenher-radio-episode-25-louis-fisher-christopher-lasch/ (December 7, 2011).

Fellow Kevin Lynch
Environmental Law Clinic


Kevin Lynch accepted an offer to join the University of Denver Sturm College of Law Environmental Law Clinic next year as a tenure track professor.

Assistant Professor Raja Raghunath
Civil Litigation Clinic

“The ‘Plus One’ Clinic: Adding (Political) Value to the Clinical Experience by Representing Landlords Alongside Tenants,” 18 CLINICAL L. REV. 245 (Fall 2011).

In January 2012, Prof. Raghunath was awarded a $2,000 grant for his proposed pilot study of a unique mediation program offered by the Jefferson County [Colorado] Court for litigants in protection order cases, which often involve situations of alleged domestic violence. The purpose of the study is to determine whether the litigants’ subjective assessments of the fairness of the overall court process is improved or diminished by their experiences with mediation. The pilot study is intended to run through Summer 2013.

Professor of Law Howard Rosenberg
Criminal Defense Clinic


Ronald V. Yegge Clinical Director and Associate Professor Laura Rovner
Civil Rights Clinic


Assistant Professor Robin Walker Sterling
Criminal Defense Clinic

Trial Advocacy Workshop, Faculty Member, with Prof. Chris Lasch, Harvard Law School (January 2012).


Colorado Alternate Defense Counsel Trial Advocacy Program, Direct Examination, Denver, Colo. (February 8, 2012).
