

# DU LAW CLINICAL PROGRAM CLINICAL REVIEW

UPDATES & ANNOUNCEMENTS FROM THE  
UNIVERSITY OF DENVER STURM COLLEGE OF LAW  
STUDENT LAW OFFICE

## *Highlights Include*

New Transactional/Community  
Economic Development Clinic

New Additions to Clinic Faculty

Pre-Tenure Leave for Clinicians

Student Reflection on Pre-Arrest  
Detention Facility

Erik B. Bluemel International  
Environmental Law Scholar



## Message from the Director Christine Cimini

The University of Denver Sturm College of Law Clinical Program is in the midst of a period of exciting growth. We have developed new programs, added a new clinic and will have three new clinic faculty and one externship faculty member starting at DU in the fall. In terms of programmatic development, in 2007 we established a three-year postgraduate clinical fellowship program designed to train a new group of aspiring clinical faculty while at the same time enhancing the teaching and supervision in our various clinics. We hired our second group of fellows in 2009.

Last year, the Environmental Law Clinic designed the Erik B. Bluemel International Environmental Law Scholar program. Created to celebrate the life of Erik B. Bluemel, a former fellow in the Georgetown Clinical Program and faculty member at DU Law, this program provides recent law graduates interested in pursuing a Master of Laws in Environmental and Natural Resources Law and Policy (LLM) the ability to work directly with an international non-profit client and extensively study the effects of development activity on the environment and human rights.

In 2010 we created a new Transactional/Community Economic Development Clinic. Staffed by a tenure-track clinic faculty member and a clinical teaching fellow, the clinic will provide much needed services to the community and allow students to work in a transactional setting. The clinical fellow position within the Transactional/Community Economic Development Clinic was made possible thanks to a generous gift of \$500,000 from DU Law alumnus, Kenneth R. Whiting, JD'53. (con't on next page)

## Message from the Director (con't)

Three tenure-track clinicians will be joining our faculty next year: Christopher Lasch; Robin Walker Sterling; and Patience Crowder. We are enthusiastic about the experience and energy they will all bring to our program. We also recently welcomed Lindsey Webb as a new faculty member in our externship program.

Finally, the faculty at DU Law are in the process of developing a strategic plan which has the clinic and experiential learning as one of its central foci. We look forward to the new growth and development this focus will bring to the clinic and the overall mission of providing law students with valuable hands-on learning experiences.

—Director and Associate Professor Christine Cimini

## Legal Externship Program: Focus on Environmental Externships

With more than 400 placements a year, the University of Denver Sturm College of Law's Legal Externship Program is an effective and comprehensive bridge to take students from law student to lawyer. Located in one of the premier legal centers in the world for environmental and natural resources law, the program has a strong focus on externships in the environmental and natural resources area. Approximately 15% of our students extern each year in the environmental and natural resources area in placements such as the Environmental Protection Agency, The Nature Conservancy, and Earth Justice, as well as other outstanding federal, state and local government agencies, international, national, and local public interest organizations, and private law firms and corporations. As Colorado and the country turn their focus to "The New Energy Economy," we have provided more opportunities to students in the area of renewable energy. This year several of our students externed with Bye Energy, a start up organization that is working on expediting the commercialization of alternative energy sources in renewable biofuels. We also had students working in the Governor's Energy Office, whose mission is to lead Colorado to a New Energy Economy by advancing energy efficiency and renewable, clean energy resources.



Externship Director Ann Vessels

DU Law has a strong focus on externships. During the 2008-2009 academic year, **429 students participated in legal externships at 255 different externships placements.** 66% of students in our 2009 graduating class participated in at least one legal externship.

## Faculty Approves Pre-Tenure Leave for Clinicians

This spring, the faculty voted to approve a pre-tenure leave for clinical faculty. This policy will provide clinicians with a semester away from teaching obligations and allow them to focus on scholarly development.

## Erik B. Bluemel International Environmental Law Scholar

For the past 15 years, the Environmental Law Clinic (ELC) has represented local, state and national environmental community groups on domestic environmental issues. Since the fall of 2009, the ELC has maintained on its docket a project of international importance. Working closely with the LLM program in Environmental and Natural Resources and Law, the ELC created the **Erik**



Leandra Zangueta

**B. Bluemel International Environmental Law Scholar** position to work on the international docket. Ms. Leandra Zangueta (prospective May 2010 LLM graduate) was selected as the inaugural scholar.

The Erik B. Bluemel International Environmental Law Scholar was created to celebrate the life and memory of University of Denver Sturm College of Law Professor Erik Bluemel, who passed away in May 2009. Erik strongly supported legal advocacy and research regarding the impact of human-induced environmental degradation on the lives of indigenous peoples around the world. The selected scholar will work directly with an international non-profit client and extensively study the effects of development activity on the environment and human rights.

Working under the supervision of Prof. Michael Harris, director of the ELC, Zangueta, who is a native of Brazil, researched and wrote about developing legal strategies in the international sphere regarding the impacts of mega dam projects (those higher than 15 meters or more than 3 million cubic meters) in Latin America. The construction of dams is a priority for many Latin American countries because these projects have the potential to provide the necessary energy, drinkable water and infrastructure to support economic development. However, the implementation of some projects are resulting not only in enormous environmental impacts, but also serious human rights violations. These violations include the forced relocation of communities, and the failure to consult affected communities and allow their participation in decision-making processes. The ELC will work with the Mexico City-based Interamerican Association for Environmental Defense (AIDA) to coordinate work on this issue.

## Law Students Go To (And Get Out Of) Jail Free

Law students who learn about the concept of deprivation of liberty in Criminal Law and Procedure, Constitutional Law, and other classes may graduate without ever actually visiting a jail or a prison. Students who enroll in the Student Law Office Criminal Representation Clinic are required to visit Denver's Pre-Arrestment Detention Facility (PADF) to observe in-custody advisements of persons who are charged with municipal domestic violence offenses. Jonathan Rosen, a Denver attorney, and his colleague, Patrick Zakis, JD'89, a former SLO student, have a contract with the City and County of Denver to provide representation to these persons at the arraignment stage. Rosen, Zakis and members of their group have guided hundreds of students through the PADF in the past 9 years, and teach a class for the students about the arrest, detention, and arraignment process. They were recently given an award for mentoring by the grateful students and faculty of the Student Law Office.

The PADF is the first jail that many students have ever seen. Students tour the detention facility, meet with inmates, talk to the sheriff's deputies, observe the arraignments and often meet with the judge. They are then required to write a brief reflection of their observations. Although they may visit their clinic clients who are in jail at other times during the semester, it is clear from their reflections that the visit to the PADF makes a lasting impression on the students that challenges their preconceived notions about deprivation of liberty. They are shocked and dismayed at the conditions they see, and surprised to learn that inmates do not automatically have the right to a free phone call. The students have been inspired to research Colorado and national law to determine whether statutory changes to provide cheaper and easier access to telephone or other electronic communication are warranted for persons who are presumed innocent as they attempt to post a bond or are awaiting their trials. They learn about the medical care provided in the jails and learn that they have to be vigilant advocates for clients who have medical issues. The experience effectively teaches students that even a brief deprivation of liberty is often very traumatic for the people who are their clients.

## Student Reflections on Pre-Arrestment Detention Facility

*Veronica Fermin and Edward Shepyer, students from the Criminal Clinic, share their experiences following a recent visit to the PADF.*

### Thoughts on Courtroom 12-T and the PADF

My first impression while walking into the Pre-Arrestment Detention Facility was that it was grungy and depressing. I was surprised to learn that the majority of people do not have an attorney present with them while they are being advised by the judge and asked to enter a plea. This dismays me because as I observed the judge advising the people in custody I highly doubted they understood 80% of what was being said to them, especially the ones who needed an interpreter and who were foreign to the system.

We were also given a tour of the cells. While we were walking through the halls, the people in custody had their faces plastered against the windows looking out at us and many were trying to talk and yell at us. We were put in an empty cell and the guard shut the cell door. There was one cot, a toilet, and a sink. The guard said that they usually put 3 people in a cell that was built to hold one person, and 5 people in a cell that is built for 3 persons. We were also given a brown bag meal that is given to those in custody. It was pretty disgusting—a damp bologna sandwich, vanilla wafers and a pint of milk.

While I sat and observed, I really admired Mr. Rosen and the other public defender, Melissa Trollinger, JD'02, for the job that they do on a daily basis. It is not a glamorous job by any means. I realized they are in this dingy jail every day and are speaking with their clients in the facility. Mr. Rosen and Ms. Trollinger were very patient and compassionate when they spoke to their clients. I think what they do is quite admirable.

—Veronica Fermin, 3L

### Pre-Arrestment Detention Facility Reflection

We were taken to observe the detention area which was very secure. We were not able to move around anywhere in the facility without sheriff's deputies accompanying us. Although the facility looked very clean and sterile, we saw obvious reasons why it would be an uncomfortable place to stay. For one, there was a communal shower. Prisoners were not even given tooth-

brushes. Instead, they were given a "toothbrush equivalent," which was essentially a little sponge with some toothpaste on it, attached to a stick. Towards the end of our visit, it was interesting to see Mr. Rosen working with a Spanish-speaking interpreter to help describe to the defendant's family one of the defendant's options for posting bail, because immigration issues were also involved. In class, we have discussed the inherent difficulties with interpreting legal terms. I wondered how much the defendant's family actually understood about the process, even though they asked a few clarifying questions.

So many people are taken through the facility on a daily basis and are dealt with in very short order.

Although we say that everyone has certain constitutional due process rights, it is difficult to argue that these rights have been sufficiently provided to those having to go through this particular pre-arrestment process.

—Edward Shepyer, 3L





## New Clinical Faculty



### Patience A. Crowder

Patience Crowder is currently an Assistant Clinical Professor of Law at the University of Tulsa College of Law, where she created and directs the Social Enterprise & Economic Development Law Project and is a co-director of Clinical Law Programs. Prior to joining the faculty at TU, she taught as a Clinical Fellow in the Community Development Clinic at the University of Baltimore School of Law. Before joining the legal academy, she was the business development manager for St. HOPE Corporation, a nonprofit community development corporation that revitalizes inner-city communities through economic development and public education. Crowder began her legal career in private practice in San Francisco, California, as a bank finance associate with Shearman & Sterling. Her scholarly interests include examining the impact of contract, corporate, and local government law in transactional advocacy for the public's interest, particularly the revitalization of inner-city and underserved communities. Her scholarship has been published by the *Tennessee Law Review* and the *Journal of Affordable Housing & Community Development Law*. Her latest article is forthcoming in the *Georgetown Journal on Poverty Law & Policy*. Crowder earned her J.D. from Rutgers School of Law-Newark, where she served as an articles editor of the *Rutgers Law Review*, and received her B.A. in Sociology from Georgetown University.



### Christopher N. Lasch

Christopher Lasch has been litigating to protect his clients' constitutional rights since 1996. After graduating from Yale Law School, Lasch worked for three years as a public defender in Louisville, Kentucky. He represented hundreds of clients in the adult trial division and was a member of the capital trial division for nearly two years. In 2000 Lasch partnered with another former defender to form a small private law firm dedicated to criminal defense and civil rights litigation. He continued to represent those accused of crimes in Kentucky's trial courts, and broadened his practice to include appellate, post-conviction, and federal habeas corpus litigation on behalf of convicted prisoners. His firm brought and tried civil rights cases in both state and federal courts. In 2006 Lasch became a Robert M. Cover Clinical Teaching Fellow at the Yale Law School, where he taught in numerous clinics, including the Capital Punishment Clinic, Criminal Defense Project, and the Worker and Immigrant Rights Advocacy Clinic. For the 2009-10 academic year Lasch was a Visiting Assistant Clinical Professor at the Suffolk University Law School, where he taught in the Suffolk Defenders Clinic supervising students defending criminal cases in the Boston Municipal Court system. His scholarship focuses on the availability of constitutional remedies in federal habeas and state postconviction litigation, and on the intersection of criminal and immigration law.



### Robin Walker Sterling

Robin Walker Sterling is a graduate of Yale College and New York University School of Law, where she was a Root-Tilden-Kern Scholar, and Georgetown University Law Center, where she earned an LLM in Clinical Advocacy. Following law school, she clerked for Judge Emmet G. Sullivan of the United States District Court for the District of Columbia. She then served as the Stuart-Stiller Teaching Fellow in the E. Barrett Prettyman Fellows program at Georgetown University Law Center, representing adults and children charged with criminal offenses in the Superior Court of the District of Columbia while also supervising third-year law students in the Juvenile Justice Clinic. Walker Sterling then worked as a staff attorney in the trial division of the Public Defender Service for the District of Columbia (PDS), representing adults and children charged with criminal and delinquency offenses. She followed her tenure at PDS with a position as a supervising attorney at the Children's Law Center, where she trained and supervised guardians ad Litem handling dependency, adoption, and guardianship cases. For the last three years, Walker Sterling has worked as the Special Counsel with the National Juvenile Defender Center, a juvenile defense policy advocacy organization in Washington, D.C. Her research and teaching interests include clinical advocacy, criminal law and juvenile justice and her current work in progress explores extending the right to a jury trial to juveniles facing delinquency proceedings.

## New Externship Program Faculty



### Lindsey Webb

Lindsey Webb earned her B.A. at Wesleyan University and her J.D. at Stanford Law School, as well as an LLM in Advocacy as a Prettyman Fellow in the Criminal Justice Clinic at Georgetown University Law School. After graduation from law school, Webb worked as a Deputy State Public Defender in the Colorado State Public Defender's Office. In this capacity she represented adults accused of misdemeanors and felonies, in addition to children accused of crimes in juvenile court. Webb also worked as an attorney in the appellate division of the Colorado Public Defender's Office, where she handled direct appeals of felony convictions. At Georgetown Law School, she supervised Criminal Justice Clinic students in the in their representation of persons accused of misdemeanors in the District of Columbia, and taught weekly classes on trial advocacy skills. As the director of public interest at DU Law, Webb is responsible for managing and developing externship and practicum opportunities in public interest organizations. This responsibility allows Webb to apply her background as a practitioner, as well as her classroom and clinical teaching experience, to the oversight of legal externships and practicums in public interest fields. In addition to her role as the director of public interest, Webb teaches a variety of courses related to criminal justice and trial practice at DU Law.

## New Clinical Teaching Fellows



### **Brittany Glidden - Civil Rights Clinic**

Brittany Glidden started last fall as the University of Denver Civil Rights Clinical Fellow. Glidden attended Stanford University as an undergraduate, and received her J.D. from New York University School of Law. Prior to arriving at DU, Brittany worked at the Prison Law Office, a non-profit organization striving to improve living conditions in California prisons. Her work there focused specifically on a system-wide challenge to the medical care provided in state prisons, with a class of more than 170,000 individuals. Additionally she was an adjunct professor at Golden Gate University Law School teaching Legal Research and Writing. The Civil Rights Clinic is currently advocating for several prisoners, and is specifically focused on challenging the state and federal practice of keeping individuals in indefinite solitary confinement without meaningful review of their placement.



### **Kevin Lynch - Environmental Law Clinic**

Kevin Lynch joined the Environmental Law Clinic in the fall of 2009 as its Fellow. Previously Lynch worked as an attorney in the Climate and Air Program at Environmental Defense Fund, in Boulder, Colorado. Before law school Lynch was a consultant in the energy industry. He received his J.D. from New York University School of Law and a B.A. in biology from Rice University in Houston, Texas. Lynch has experience working at the state and federal level on regulatory and permitting issues related to climate change, air quality, and energy policy, as well as litigation experience in state and federal courts. His research interests include energy, environmental and administrative law.





## Clinical Programs Highlights

### New Transactional/Community Economic Development Clinic

Beginning in 2010, the Student Law Office will offer a new transactional clinical course for students at the University of Denver Sturm College of Law. The Transactional/Community Economic Development Clinic will be designed and supervised by Patience Crowder, a new tenure-track faculty member and clinical fellow. The clinical fellowship will follow the contours of the Student Law Office's existing fellowships in Civil Rights and Environmental Law, designed as a three-year position with regular teaching and case supervision duties as well as opportunities and support for the production of scholarship. The Transactional Clinic will provide College of Law students interested in a transactional practice with live-client experiential opportunities that are comparable to the opportunities that already exist in the Student Law Office's four litigation-oriented clinics and its Mediation and Arbitration Clinic. There are a number of areas of transactional practice that the Student Law Office has tentatively identified as needs in the Colorado legal community, including nonprofit organization formation and small-business startup advice. The new faculty members who will design the Transactional Clinic will have the opportunity to explore these and other needs of the community to determine how best to serve the two-fold clinical mission of providing both effective, compelling legal education and meaningful access to justice for populations otherwise unable to obtain counsel. The clinical fellow position in the Transactional/Community Economic Development Clinic was made possible thanks to a generous gift of \$500,000 from DU Law alumnus, Kenneth R. Whiting, JD'53.

### Students in the Civil Rights Clinic, the Criminal Clinic and the Jury Trial "Trap"

Colorado municipal court rules once required that a defendant make a written demand for a jury and at the same time pay a jury deposit of \$25, all within 10 days of entry of a plea.

Several years ago, entirely through the work and efforts of DU Law students in the Civil Rights Clinic, the Colorado legislature liberalized the securing of a jury in municipal courts by expanding the 10 day time period to 20 days and changing the written demand requirements to merely a written request. They also allowed the \$25 to be paid at any time within this 20 day period. However, the Colorado Supreme Court never changed the municipal court rules to conform to the liberalized statute. As a result, some municipal courts did not realize that the statute changed the rule and these courts continued to require compliance with the old rule. The Criminal Clinic successfully litigated the issue of the primacy of the statute over the rule in the Arapahoe County District Court. While discussing the jury trial conundrum with the Supreme Court Civil Rules Committee, the legal advisor to the Supreme Court said the rule should have been changed. Based upon the students' work, the Colorado Supreme Court made the change that should have occurred when the statute was enacted. As a result, the jury trial "trap" in municipal courts is now released.

### Clinical Teaching Fellowship Program

In 2007, the Sturm College of Law established its Clinical Teaching Fellowship Program, through which experienced attorneys have the opportunity to learn how to teach law in a clinical setting. Under the supervision of SLO faculty, clinical fellows learn in context by supervising law students in their representation of clients, designing and teaching clinic classes and facilitating the development of law students into critically reflective practitioners. Fellows also participate in a clinical pedagogy class taught by members of the SLO faculty.

The SLO currently offers three 3-year fellowships: one in the Civil Rights Clinic, one in the Environmental Law Clinic and one in the Transactional/Community Economic Development Clinic. Since the fellowship is designed for lawyers who want to embark on careers in clinical teaching, our fellows are encouraged to engage in scholarship and are supported in doing so in a variety of ways, including the opportunity for a reduced teaching load, eligibility to hire research assistants, financial support for travel to conferences and mentoring.



Erin Gardner, JD'08, (center) works with a translator assisting a Civil Litigation Clinic client at El Centro Humanitario, Denver's renowned day laborer facility.

### Community Projects in the Civil Litigation Clinic

Clinic professor Tamara Kuennen teaches alongside professors Cimini and Rahunath in the Civil Litigation Clinic. This semester Kuennen worked with a group of six students to create legal "know your rights" materials that will be jointly published by the Student Law Office and the Colorado Coalition Against Domestic Violence.

Civil Litigation Clinic students created a "workers' rights manual" for community partner El Centro Humanitario Para Los Trabajadores to utilize with workers seeking assistance in pursuing wages owed to them. The manual includes sections on filing wage claims and mechanic's liens, as well as small claims court procedures, forms and other useful information for navigating the legal remedies available in such situations. Clinic students also created a new handout summarizing the rights of workers for El Centro organizers to distribute at day-laborer sites.

## Recent Faculty Publications

### Christine Cimini

- “Ask, Don’t Tell: Ethical Issues Surrounding Undocumented Workers’ Status in Employment Litigation,” *61 Stan. L. Rev.* 355 (2008).
- Excerpts of “Ask, Don’t Tell: Ethical Issues Surrounding Undocumented Workers’ Status in Employment Litigation,” reprinted in *Immigration And Refugee Law And Policy*, 5th edition, Stephen Legomsky, ed. (Foundation Press, July 2009).

### Raja Raghunath

- “A Promise the Nation Cannot Keep: What Prevents the Application of the Thirteenth Amendment in Prison?,” *18 Wm. & Mary Bill Rts. J.* 395 (2009).

### Tamara Kuennen

- “Public Problems and Private Lives: Applying Relational Contract Theory to Domestic Violence Cases,” *2010 B.Y.U. L. Rev.* (forthcoming 2010).

## Recent Faculty Presentations

### Christine Cimini

- “In the Public Interest: Exploring the Legacy of Robert Cover as Professor, Archivist and Scholar,” AALS Annual Meeting, SALT Workshop, New Orleans, La. (January 2010).
- “Tapping Into The Law School Market: Building Successful Partnerships With Law Schools,” National Legal Aid & Defender Association Annual Conference, Denver, Colo. (November 2009).
- “Formative Assessment of Ethical Judgment: Clinical Course Models From the Past, Directions for the Future,” Legal Education at the Crossroads v. 3: Conference on Assessment, University of Denver Sturm College of Law (September 2009).
- “Clinical Scholarship,” AALS Annual Clinical Conference, Cleveland, Ohio (May 2009).
- “Clinical Scholarship Work in Progress Session,” Moderator, AALS Annual Clinical Conference, Cleveland, Ohio (May 2009).
- “Complex Personnel Issues,” AALS Law Clinic Directors Workshop, Cleveland, Ohio (May 2009).
- “Community Needs & Curricular Challenge, Teaching in the Moment: A Workshop on Curricular Development,” University of Minnesota Law School (April 2009).

### Michael Harris

- Panelist, “The Clean Air Hammer Falls: Revisions to the National Ambient Air Quality Standards,” 28th Annual Public Interest Environmental Law Conference, University of Oregon (March 2010).

### Tamara Kuennen

- “Calling the Police to Report Domestic Violence: Exercising the Right to Petition,” University of Denver Sturm College of Law (August 2009).
- “Calling the Police to Report Domestic Violence: Exercising the Right to Petition,” Rocky Mountain Junior Faculty Scholarship Forum, Brigham Young University (September 2009).

### Laura Rovner

- “Suing on Behalf of Federal Prisoners: From Private Prisons to Terre Haute,” Conference on Prisoners’ Rights Litigation, Yale Law School (March 2010).

### Raja Raghunath

- “Individual Workers at the Mercy of the Union,” Conference of the Working Class Studies Association, Pittsburgh, Penn. (June 2009).
- “Practice and Pedagogy Issues for Clinics Litigating the ‘War on Terror’,” Moderator, AALS Conference on Clinical Legal Education, Cleveland, Ohio (May 2009).
- “The Thirteenth Amendment and the Rise of an Incarcerated Chattel Class, Work in Progress,” AALS Conference on Clinical Legal Education, Cleveland, Ohio (May 2009).
- “Incorporating Substantive Justice into Domestic U.S. Jurisprudence,” Moderator, Conceptualizing Substantive Justice Conference, University of Denver Sturm College of Law (April 2009).
- “Protecting Asians in America,” Plenary Panel Moderator, Conference of the Asian Pacific American Law Faculty (CAPALF), Davis, Calif. (March 2009).
- “The Thirteenth Amendment and the Rise of an Incarcerated Chattel Class, Work in Progress,” Conference of the Asian Pacific American Law Faculty (CAPALF), Davis, Calif. (March 2009).
- “Cultivating Values: Developing Law Students into Citizen Lawyers,” Panel Presenter, AALS Annual Meeting, New Orleans, La. (January 2010).

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*Updates & Announcements from the  
University of Denver Sturm College of Law  
Student Law Office Clinical Programs*

CIVIL LITIGATION CLINIC

CIVIL RIGHTS CLINIC

CRIMINAL REPRESENTATION CLINIC

ENVIRONMENTAL LAW CLINIC

MEDIATION AND ARBITRATION CLINIC

TRANSACTIONAL/COMMUNITY ECONOMIC  
DEVELOPMENT CLINIC



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