

Summer Stech: Champion of Children’s Rights

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to the world outside the school setting. Stech created seminars to help individuals learn their legal rights once they become adults and age out of the school system and also educated teachers and other lawyers about transition law. She also provided legal representation to individuals with disabilities in a variety of transition-related issues, from tenant-landlord disputes to conservatorships.

But as committed as she is to the law, it wasn’t her first career choice. Her work began back in her college days at Boston University at a summer camp for children with special needs. Inspired by that experience, she began to study to become a pediatric physical therapist, but found that the time she would spend with students would be limited to a single 30-minute session each week. She transferred her major to education and also began to work as a tutor. She also discovered that her school district in Newton, Massachusetts was one of the first in the country to make inclusion – the practice of offering significant support for students with special needs so that they

have the opportunity to learn in general education classrooms – a district-wide policy. When she moved to San Diego, however, she found those progressive ideas hadn’t quite made their way west. “I was an inclusion specialist, working with eight or nine schools,” she explained. “My job was to develop the IEP (Individualized Education Program), and manage the IEP, make modifications to the curriculum, train and supervise the aides, and support the teachers.”

She soon became frustrated with the process. “I saw myself advocating from within,” she said. “There was a lot of red tape, and I found myself not being able to do my job. I thought to myself, wouldn’t it be great to know both the law and the education system?” she said. She applied for the evening program at USD School of Law, attending classes at the university during the evening while keeping her day job in the classroom. And she interned twice in the Legal Clinic’s Special Education Clinic as well as other experiences.

“I found that law was something I

could be truly passionate about,” she said. “And the Special Education Clinic was such a wonderful experience for me. The supervising attorney taught me so much about special education law. That’s where I learned how to be a lawyer.” Stech said she drew on her clinic experience every day during her fellowship. “Clinics are the only way students get to see what it’s like to practice law. By taking a case from start to finish, they learn a lot of skills you need to do the job in the best way possible,” she said. “People really don’t expect that you know how to practice law when you are a student, but the clinics give students that skill. You talk to clients, you write briefs and you deal with real people in real situations.” In the future, Stech would like to build on her clinic and fellowship experience and continue to work to create a consistent, county-wide process for children with special needs as they face the challenges of adulthood. Armed with professional experience as well as passion, she promises to be one of the region’s future forces in serving the special needs community. 📧

NOTABLE: The September 2008 edition of The National Jurist ranked USD as 23rd among ABA-approved law schools for “most clinical opportunities available.”



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Let The Record Reflect

Our Motto

“Never to reject, for any consideration personal to himself or herself, the cause of the defenseless or the oppressed.”
California Business & Professions Code section 6068(h)

From the Director

I am so pleased to share this first issue of the clinic newsletter, *Let the Record Reflect*. It is our way of highlighting some of the great work performed by students, faculty and staff. This has been a year of exciting and innovative “firsts” for the Legal Clinics, including the institution of the Law Clerk Program. The paid positions are open only to graduates of USD Law who have taken the bar exam and are awaiting results. It’s an opportunity not found in many university settings to bring back for a short but important period of time our own grads who know the system and are excited to be in a new role as mentors to clinic interns following the same career path.

And another landmark: while maintaining our strong training programs for interns, we have added two new clinics, the Landlord Tenant Clinic and the State Tax Clinic. Both reflect our ability to give students indispensable training while they perform a valuable service to the community.

We are very pleased to announce that the USD Legal Clinics will be honored as the 2009 Bernard E. Witkin Award Recipient for Excellence in the Teaching of Law. We’ll have more information about the March 2009 event in our next newsletter. 📧

Margaret A. Dalton

Margaret A. Dalton, Esq.



Summer Stech: Champion of Children’s Rights

Parents trying to find the right school or program for their child with special needs often discover that it can be a frustrating and confusing process. But for the last two years, many low-income San Diego parents navigating a variety of complicated systems found a passionate advocate in attorney Summer Stech, Law ’06. Stech has just completed her Equal Justice Fellowship based at the Legal Aid Society of San Diego. The fellowship allowed her to create the Children and Youth Advocacy Project (CYAP), which focused on outreach and assistance for children with special needs in the classroom and during the transition

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LEGAL CLINIC SPOTLIGHT

Adam Burke *Immigration Clinic*

It's logical that the University of San Diego, just miles from the International Border, has operated its Immigration Clinic for 34 years. And it makes logical sense that Adam Burke, who is bilingual in English and Spanish and has studied abroad in Barcelona, would find the Immigration Clinic with Supervising Attorney Jan Bejar an exciting challenge.

Burke, Law '09, began his second internship with the clinic this fall – he was also an intern during the spring semester – and says he's passionate about political science and the law.

"We helped one client who was in removal proceedings because of a crime she committed," he said. "She had nowhere else to go, so she turned to the clinic. She was a single woman trying to raise two developmentally delayed young boys and I felt that she was basically a very decent woman. I had to write the brief and it went to trial and we ended up winning the case."

Burke says that interns will also assist clients with asylum, immigrating family members, naturalization and other immigration-related issues. As with all clinics, the interns spend a lot of time trying to make the law understandable and accessible to their clients.

"Many women don't realize that if there has been a domestic violence issue, there is a way to get fast track status," he explained. "I think one of the most important things we do is outreach; letting people in the community know that our services are available."

Clinic interns will often join Outreach Coordinator Patty O'Deane at street fairs, farmer's markets and other venues to distribute information about the eight client-based clinics and the services available to low-income local residents.

"Especially in the area of immigration law, we find that people are often afraid to ask for help," said Burke. "They're afraid that someone will find out their personal information, so we work hard to build a trusting relationship with our clients."



Although Burke usually juggles a full load of classes and part-time employment, he called the clinic experience the highlight of his time at USD.

"I look at going to the clinic as a refuge, it's really my passion," he said. "I do the hours early in the semester and give it as much time as I can; I like to look at it as a part-time job."

This summer, Burke clerked at the office of the Public Defender preparing briefs and motions, and has just accepted a position with a local firm specializing in immigration law – who heard about Burke through his clinic work.

Although he grew up in Portland, Oregon, Burke has made San Diego his home, and hopes to practice law here as well. His plans include taking the bar in July 2009 – "and hopefully having a little time to travel in South America."

In addition to the real-world experience, Adam Burke says time spent in the clinics is a great confidence builder for would-be attorneys.

"You can't beat that practical experience," he said. "You work with real clients whose liberty and financial status are on the line. I think I've learned more in one clinic than in all the classrooms I've ever been in."

LEGAL CLINIC SPOTLIGHT

Chrystal Cheng *Small Claims Clinic*

From the chaos of small claims to the challenge of federal tax disputes, Chrystal Cheng, Law '09, has seen them all.

Cheng has interned in both the Small Claims Clinic with Supervising Attorney Franco Simone '92 and the Federal Tax Clinic with Supervising Attorney Richard Carpenter '84, and credited the clinics with giving her invaluable real-world experience while still on campus. Although Cheng and all students are serious about providing a service to their clients, there are some lighter moments among the serious subjects they deal with every day. Many times, she said, the Small Claims Clinic bore a striking resemblance to a popular courtroom reality TV show.

"It's a no holds barred arena," she said, smiling. "The clients come in with all sorts of chaos and madness – it really is like *Judge Judy*."

Barking dogs, dueling in-laws, the interns have seen them all. Landlord – tenant disputes are very common, said Cheng, because most people –even those who have some legal experience – often don't know their rights.

"I recently had a fellow student who said his landlord was trying to keep the security deposit," she explained. "I explained the law, and with our help he took them to Small Claims and won."

Clients represent themselves in Small Claims Court; lawyers are not present unless there is an appeal hearing. So the clinic interns work with the clients before the court appearance to prepare a packet of evidence and assist the clients on their testimony.

Claims are not allowed to exceed \$7,500 – "But because we serve low-income clients, for many of them, even \$50 is a lot of money," explained Cheng. "So we do everything we can to make sure they go into the courtroom with all the necessary information to prove their case."

In addition to their work prior to the court appearance, Cheng and other interns also show their clients how to collect the awards



they have received.

"This has really taught me due diligence," she said. "That attention to even the smallest details can mean the difference between getting and not getting the money."

Although clients often seek personal vindication as well as cash in Small Claims Court, money is at the heart of all cases in the Federal Tax Clinic. Clients are often afraid when they receive repeated notices from the IRS, and turn to the clinic for help.

Sometimes, though, the answer can be simple communication.

"There were two older women, who both owed the IRS \$1,000, and they had been paying a little bit each month, but they just couldn't do it anymore," said Cheng. "We called the IRS, explained the women's ages and financial situations and had them put on a non-collectible status. They were both so greatly relieved that we had been able to handle this, it was such a weight lifted from them."

When she graduates, Cheng, who now works part-time at a firm specializing in corporate law, hopes to be able to continue her career in San Diego, and she believes that her clinic experience will be a valuable asset.

"The clinics are a great bridge between the school and the community," she said. "You get to work with clients, you learn how to be proactive, and you see results. It's been wonderful."

Trivia Triumphs At Battle of the Brains

What is the name of the genus of flying reptiles from the Jurassic and Cretaceous periods that derives from the Greek words for "wing" and "finger"? What NCAA-sanctioned college football bowl game has been played at Qualcomm Stadium every year since 1978? What USD law professor went on the road and behind the scenes as the embedded blogger for country superstars The Dixie Chicks? If you were able to answer the first two questions, congratulations. You are ready to try out for this year's Battle of the Brains, the annual trivia contest between law students and their professors, held as a fund raiser for the USD Legal Clinics. But don't be surprised if that third question shows up as well. Because one of the brains behind the Battle of the Brains is law professor – and former Chicks blogger – Junichi Semitsu.

Semitsu, who also helped to create the law school's Diversity Committee in 2005 (the official producers of the Battle of the Brains), wanted to stage an event that would bring hard-working students and professors together for some friendly competition. He based it on a similar contest that he and his fellow law students created as a fund raiser while at Stanford Law School.

"We wanted to raise money and raise awareness," Semitsu said. "And we wanted to reward different types of knowledge. And we really set about to put together the most fun and compelling social event of the year, and I think we accomplished that."

The format for the Battle of The Brains pits two different teams, a three-person team of students against a three-person team of professors, on stage at the Joan B. Kroc Institute for Peace and Justice. Preliminary written tests help winnow the field of those who may not remember the year of the Watergate break-in (1972) or what 20th Century U.S. president married his fifth cousin, once removed (Franklin Delano Roosevelt). This will be the third

year for the contest, and each year, the crowd grows.

"There will be a question for the faculty or the student with everyone staring at them and they have 24 seconds to come up with the answer," he said. "It's a great moment for the audience."

Many times, students are surprised when professors are able to answer certain questions.

"This faculty is exceptionally smart and many are experts in their field and have a strong knowledge of all things legal," he explained. "But students are shocked when the teachers have knowledge of say, Harry Potter trivia, it amazes them."

Semitsu admits though, that students usually triumph over teachers when the category is new music.

Local law firms underwrite the event, so that all proceeds can support the work of the Legal Clinics. Sponsors of past events include: DLA Piper; Seltzer Caplan McMahon Vitek; Paul, Hastings, Janofsky & Walker; Morrison & Foerster; Cooley Godward Kronish; and McKenna Long & Aldridge.

An audience participation segment has been added to the event as well. In addition to bragging rights until the next contest, the winning team's name is inscribed on a large trophy on display at the law school.

Semitsu, who hosts the event and creates the questions, has a hint for would-be contestants this year: "Know your state capitals."

• *Get ready for the next Battle of the Brains Feb. 4, 2009!*

University of San Diego Legal Clinics Fast Facts	
Number of years in Operation:	37 years
Number of cases closed in 2007:	538
Average number of cases open at any given time:	190
Average number of student interns trained each academic year:	206
Number of student interns trained since 1998:	1,713 (estimated)
Number of hours logged by student interns in 2007:	16,364 hours of free legal assistance