

Let The Record Reflect

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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)

Juan Ordaz: Legal Clinic Alum Makes His Mark Right at Home

Juan Ordaz has lived his entire life within the same 20 miles, and he wouldn't have it any other way. "I grew up in San Ysidro and my whole life has been in the South Bay," he said proudly. "I play sports now in the same places I did as a kid, I know where to get the best tortas for lunch and I've had the same barber for decades. It's good to have community."

Ordaz, his wife Kathy and their three-year-old son Kaij are part of a tightly-knit network of family and friends who share a strong affinity for the area. So when he opened his own private practice, it was no surprise that he located his law firm in the historic Quartermass-Wilde House, a "painted lady" Victorian in the Golden Hill neighborhood, just 15 minutes from his Chula Vista home.

His strong local ties include attending the USD School of Law and interning at both the Small Claims and Civil Clinics while working as an investigator for Casey Gerry Schenk Francavilla Blatt & Penfield, LLP, the city's oldest personal injury law firm. In fact, his longest stint away from home came as a student at California Lutheran University in Thousand Oaks, where he graduated with a double major in political science and English.



As a Casey Gerry investigator, Ordaz did much of the basic groundwork – getting statements, taking photos and following up on police reports – to help attorneys decide if they would take a client's case. Early mentors like David Casey (USD School of Law '74); Tom Luneau and Gayle Blatt encouraged the investigator to take the next step.

"I always wanted to go to law school," he explained.

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All donations to USD Legal Clinics are tax deductible to the fullest extent allowable by law.

Spotlight on: The Landlord Tenant Clinic

Student interns and clerks are used to long hours, complicated cases and learning instead of earning during their clinic tenure. But recently, a team from the Landlord Tenant Clinic took on a client and her two disabled children who were facing eviction and not only won the case but set the stage for transforming California tenant law.

The clinic is a busy one; work must often be completed as soon as tenants receive three-day, 30-day

or 60-day notices that they must leave their homes. "It's called The Rocket Docket," explained Supervising Attorney Prof. Allen Gruber. "From complaint to trial, it's often only a month-long process."

In spite of the quick pace, Law Clerk Adam Blanks, now an attorney practicing in San Diego noticed an inconsistency between the state's foreclosure law and the Protecting Tenants at Foreclosure Act, or PTFa.

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The Legal Clinics Celebrate 40 Years of Service and Education

Hair was long, music was loud and the nation kept its eyes on the moon in 1971. It was the year “Jesus Christ Superstar” opened on Broadway, 18-year-olds got the right to vote and Apollo 14 landed on the lunar surface.

In San Diego, a group of USD law students, thanks to a ruling that allowed them to practice law under the guidance of a supervising attorney, created the first School of Law legal clinic. In the earliest days, the students ran the clinics, spurred by a desire to make a change in the community. It quickly drew dozens, then hundreds of students, and by the 1973-74 school year, the university began to fund the clinics and inaugurate a clinical program. The late Professor Charlie Lynch was the first Professor-Director of the clinics, followed by Professor Walter Heiser, who is now a Professor in the School of Law and has been teaching at the university since 1978.

Students worked in both civil and criminal clinics; on the criminal side students were placed with the San Diego City Attorney, the District Attorney and the Federal Defenders Office, while others worked in-house. On the civil side, a number of students worked on general civil cases and in two dedicated clinics, the Environmental Law Clinic and the Mental Health Law Clinic. Students were also placed off campus, working in specific areas of the law, including immigration law, trust and estates, civil placements with the attorney general’s office and judicial internships.

“We had quite a few professors who were on staff who devoted full time to clinical education,” remembers Heiser. “There was clearly energy among the professors. When I came in, we had weekly instructional sessions among the clinic professors and everyone was very enthusiastic about learning new ways to instruct the students.”

Prof. Allen Snyder, who supervised the Mental Health Law Clinic in those early days and continues to rotate through the Civil Clinic today, said the clinics had a profound effect on the students as well as the teachers.

“What the clinics did – and what the clinics do for the students — is they give them a reason to learn,” he explains. “It’s


what ultimately really invigorates them. This (representation) can do something important for someone; this can make all the difference in the world to someone.”

Heiser believes the clinics impacted not only the faculty and the students, but the San Diego region as well.

“We did serve an underrepresented body of clients,” he said. “The more important contribution is we did turn out some very accomplished attorneys who were better practitioners and served the community better than if they had not taken the trial practice classes and participated in the clinics. I do think the clinics made a difference in turning out more competent attorneys.”

Through the years, the system has evolved, and although it no longer offers direct criminal representation, the clinics provide legal assistance in the areas of general civil litigation, contract disputes and consumer issues; education and disability; help with starting or expanding a small business or nonprofit organization; immigration, naturalization and deportation; state and federal income tax issues; landlord-tenant disputes; small claims cases and federal appellate issues.

Margaret Dalton has been the administrative director for the legal clinics for more than six years. She is also the supervising attorney for the Education and Disability Clinic.

Looking to the next 40 years, Dalton said, “We always focus on the future here. While we are proud of all the clinics have accomplished – both for student interns as well as for low income residents in need of legal help – we are always looking to the next case and how best to meet the needs of students. We also work hard to assess what’s really needed in the San Diego community and add new clinics that will meet those needs. In the last five years, we have added two state tax clinics and one dealing with landlord tenant issues. I am sure there will be more in the years ahead. So our view is both inward, focusing on our students and outward, serving our community. The 40th anniversary is a milestone for us, one that lets us honor everything that has been accomplished, starting with those first students and their professors – while we prepare for whatever the future holds.” 

Juan Ordaz: Legal Clinic Alum

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“And when I started taking classes part-time, Casey Gerry helped me out whenever I needed extra time for a class or a clinic. I think I grew up as a person and as a man and as a benefit, I got a great legal education.”

Ordaz also credits the USD Legal Clinics and the supervising attorneys for creating a unique training ground for the student interns.

“I loved the clinics because it took me out of the classroom and showed me how to achieve the best results,” he said. “You realize it’s not about anyone beating anyone, but coming to a fair resolution and finding the best way to get there. Professor Allen Gruber, the Civil Clinic supervisor, had the most creative arguments, the most creative solutions. And Professor Allen Snyder, who also supervised the clinic, is the champion of the little guy. All this motivates you;


there was so much support and motivation.”

The clinics also give interns the real life experience of working with clients, he said.

“It humanizes the whole process, you know that your clients really need your help and so many of them are so grateful to have found you.”

Ordaz said he counts his fellow clinic interns as some of his best friends now, and he has even hired one of the present interns to perform some legal tasks for him.

After graduating in 2006, Ordaz remained with Casey Gerry until opening his own office in April 2010. His goal now is to bring together a select number of attorneys and paralegals to create a community of like-minded legal professionals.

“I don’t want to rule the world,” he said, smiling. “I want to do good work on good cases and have good attorneys around me. I work very hard, and when I’m not working, I enjoy my family, my friends. This is my life. This is my community.” 

Low Income Tax Clinic Reaches Out to Local Legal Community

The Legal Clinic's LITC — Low Income Tax Clinic — offered its first-ever Minimum Continuing Legal Education event on Oct. 19 at the School of Law Faculty Reading Room. The event, which was co-sponsored by the Young Tax Lawyers of the State Bar of California Taxation Section, brought together 68 judges, attorneys, paralegals, clerks, IRS agents and students to hear a program on bankruptcy and taxes. The panel of speakers featured the Honorable Margaret Mann, Bankruptcy Court Judge; John Morrell, Esq.; Tiffany Carroll, Acting U.S. Trustee and Mindy Meigs, IRS Office of Chief Counsel. A one-hour networking reception followed the panel. Because the event was so well received, another MCLE will be held this spring.

Holiday Luncheon



Photo by Alan Decker

This past November the USD Legal Clinics hosted their annual Holiday Luncheon. Over 80 friends, legal interns (past and present), professors and outreach partners turned out to share in the celebration. Pictured are the Fall 2010 law clerks.

From the Director

This year is the 40th Anniversary of the Legal Clinics at USD Law. Back in 1971, law students provided the impetus behind setting up the first clinic, which became an important part of our legal training program. Today, law students continue to play a critical role in the clinics while they learn legal practice skills with the added benefit of hands-on supervision from ethical, experienced attorneys.

For all we have become over time, there are far too many individuals who have given so much to this amazing effort, so I will simply say "thank you" to all. But on behalf of the faculty, staff and students at the Legal Clinics, I do want to add our heartfelt appreciation to the University for its continuing support, as well as to the alumni who remember us with donations or other sources of revenue. We remain committed to providing free services to lower income San Diegans.



The next few years likely will continue to be a time of intense challenge for our interns and our community. Practicing law has become more complex with each passing year. Forty years ago, many new attorneys were able to generalize their practices, but today most of our graduates focus on one or two areas of law. The Legal Clinics program provides the opportunity to meet clients and handle cases in several specialty areas, giving the interns the real world experience, knowledge and skills that make them more well-rounded and marketable attorneys.

Our interns are truly our legacy; each comes into the clinic as an untried student, eager to experience the practice of law. And each leaves knowing that they have honed their skills while serving our community. For 40 years, this has been our mission and it will continue to guide us in the decades ahead.

Margaret A. Dalton, Esq.

Legal Clinic

Appellate	Professor(s) Michael R. Devitt Candace M. Carroll Pamela Parker
Civil	Allen M. Gruber Allen Snyder Theresa J. Player
Criminal	Laura Berend Jean Ramirez
Education & Disability	Margaret A. Dalton
Entrepreneurship	Donna G. Matias
Environmental	Richard J. Wharton
Federal Tax Clinic.....	Richard A. Carpenter
Immigration	Jan J. Bejar
Land Use.....	M. Susan Quinn
Landlord Tenant	Allen M. Gruber
Small Claims	Franco Simone
State Income Tax	Craig R. Shaltes
State Sales & Use Tax	Michael Larkin

Spotlight on: The Landlord Tenant Clinic

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The PTFA is a federal law that was passed in 2009 to safeguard tenants who sign a rental agreement while a property is in danger of being repossessed by the lender. It maintained that landlords had to honor leases signed before the property entered foreclosure. Here's where the issue became complicated, though. The federal law looked at foreclosure as a one-step process. But in California, the process is more complex: a notice of default is recorded followed by a 90-day grace period to allow the property owner to pay the debt. If that time passes without payment, a second step, a notice of sale, is then recorded.

The client had signed a lease during that 90-day grace period. Blanks, intern Josiah Reed – who uncovered a crucial FHA procedure that defined when foreclosure takes place – and law clerk Jason Saad worked for months to craft their argument that their client was protected since she had signed the lease *before* the notice of sale, that is, within the 90 day “grace” period.

“We argued that between the two notices, the property owner can try to refinance and enter a lease as a way to generate income,”

said Saad, who took over the case after Blanks. “The crux of the case was how do we reconcile the federal and the state laws?”

A practicing attorney with more than 40 years of experience who has also served as an arbitrator for the San Diego Superior Courts and the American Arbitration Association, Gruber was in an excellent position to offer guidance and advice. Gruber, who now concentrates on teaching and acting as a mediator for the Real Estate Mediation Center, said he receives a lot of satisfaction watching the professional growth of interns and clerks.

“When a student sees the light, when there's a concept they understand and they're operating on a different level, it's priceless,” he smiled. “This was one of those moments.”

Saad, now an attorney with Marks, O'Neill, O'Brien and Courtney P.C. in New York, remembers the moment he stood up to argue the case in San Diego Superior Court.

“We presented our case,” he said. “And perhaps the other side didn't take us too seriously. But we had opening and closing statements and we had cross examination. Josiah had worked so hard on this and I got to present it. And the judge decided right then

and there in our favor. It was my first trial.”

After the ruling, Gruber said there was a lot of interest in the case, which may affect cases in other California jurisdictions.

“As far as I know, it was the only favorable decision in San Diego, and perhaps anywhere in California,” he said.

While the majority of cases coming into the clinic involve landlord and tenant disputes, Gruber said that one-third of all calls now have to do with foreclosure concerns. While the clinic does not handle foreclosures, it does represent tenants who are affected by a property owner's foreclosure.

For his part, Saad said this case and the entire clinic experience has been invaluable.

“I think everyone should have to take at least one clinic,” he said. “USD has one of the best clinic systems. There's no better approach than to be able to go to a firm and show that you have this real life experience. Another thing that happens is that you get to take all the theory and put it into practice. Your clients are often very scared and your help means the world to them.”

“To impact someone's life, someone who doesn't have anyone else to turn to, well, it's very gratifying.” 📧



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Fast Facts Calendar Year 2010

- Legal Clinics – established in 1971
- Cases closed in 2010: 747
- Cases open at any given time: 300
- Phone calls from potential clients: 8,403
- Intern hours in client services: 21,998*

**If we were billing the 2010 intern time at \$125/hour, a typical rate that a law firm might bill out for a law clerk, our firm would have earned \$2,749,750!*

Client Services are clinics that provide direct representation to individual clients: Appellate, Civil, Education and Disability, Entrepreneurship, Federal Tax, Immigration, Landlord Tenant, Small Claims, State Income Tax, State Sales and Use Tax

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