

THE CATHOLIC UNIVERSITY OF AMERICA COLUMBUS SCHOOL OF LAW

Practice Ready

Legal Education for
the Real World



THE CATHOLIC UNIVERSITY OF AMERICA
Columbus School of Law

Special Report

Spring-Summer 2010

Thomas M. Haederle	Editor in Chief
Mara Duffy	Associate Creative Director
Gina Moorhead	Publications Manager
VC Graphics	Design/Art Direction
Veryl V. Miles	Dean and Professor of Law
George E. Garvey	Associate Dean for Academic Affairs
Mara Duffy	Associate Dean for External and Student Affairs
Michael R. Kanne	Associate Dean for Administration and Finance

University Officials

John H. Garvey	President
James F. Brennan	Provost
James Greene	Dean of Graduate Studies
Cathy R. Wood	Vice President for Finance and Treasurer
Susan D. Pervi	Vice President for Student Life
Frank G. Persico	Vice President for University Relations and Chief of Staff
Robert M. Sullivan	Vice President for University Development
W. Michael Hendricks	Vice President for Enrollment Management
Victor Nakas	Associate Vice President for Public Affairs
Christine Peterson	Associate Vice President/ Chief Human Resources Officer

Editor
Columbus School of Law
The Catholic University of America
Washington, DC 20064

E-mail: haederle@law.edu
Phone: 202-319-5438
Fax: 202-319-4004
www.law.edu



Contents



3



4



8



12



18



20

Practice Ready 3

No legal employer wants to do basic training from scratch. With a CUA Law graduate, they don't have to.

Standing in an Attorney's Shoes 4

Law students no longer need to wonder what it feels like to argue a case, defend a client or write a brief.

On the Job 8

The dizzying array of hands-on externships available in the nation's capital benefits both law student and employer.

In Service of Others 12

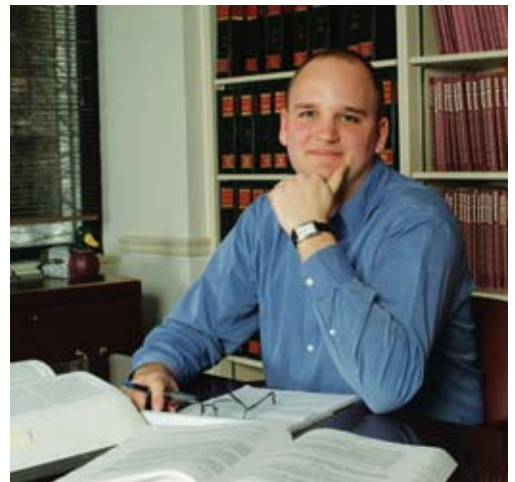
People drawn to the law to make the world a better place find a home and a remarkable education in the Columbus School of Law's community legal clinic.

Power in a Pen 18

A legal career can flourish or wither based on command of the written word. Not everyone will be a legal Shakespeare, but it's a goal worth aiming for.

Ready to Practice 20

Planning to fly solo in your legal career? CUA Law's approach to practice ready has that covered, too.



Practice Ready

“I hear and I forget.
I see and I remember.
I do and I understand.”

—Confucius

The celebrated Chinese philosopher Confucius recognized the unchanging truth about human beings 2,500 years ago: There is no substitute for doing it yourself. The embrace of hands-on, experiential learning has defined the Columbus School of Law’s approach to legal education for decades.

Recognizing that classes and textbooks alone do not quite complete the transformation of student to lawyer, the law school offers a wide range of hands-on opportunities for students to sample real-life lawyering before they graduate. In different settings, they can enjoy the challenge of representing clients, speaking in court, preparing briefs and background research, and most of all, knowing the satisfaction of positive outcomes as a result of their efforts.

Their legal skills are expertly honed along the way. Writing, speaking, reasoning and researching—all of the necessary skills of the successful lawyer—can be practiced and mastered in advance by the motivated student.

By acting as legal advocates for clients and causes, participating in true-to-life mock trials, working in prestigious externships, or being held to a legal writing standard that today’s employers demand, CUA Law’s “do it yourself” ethos produces

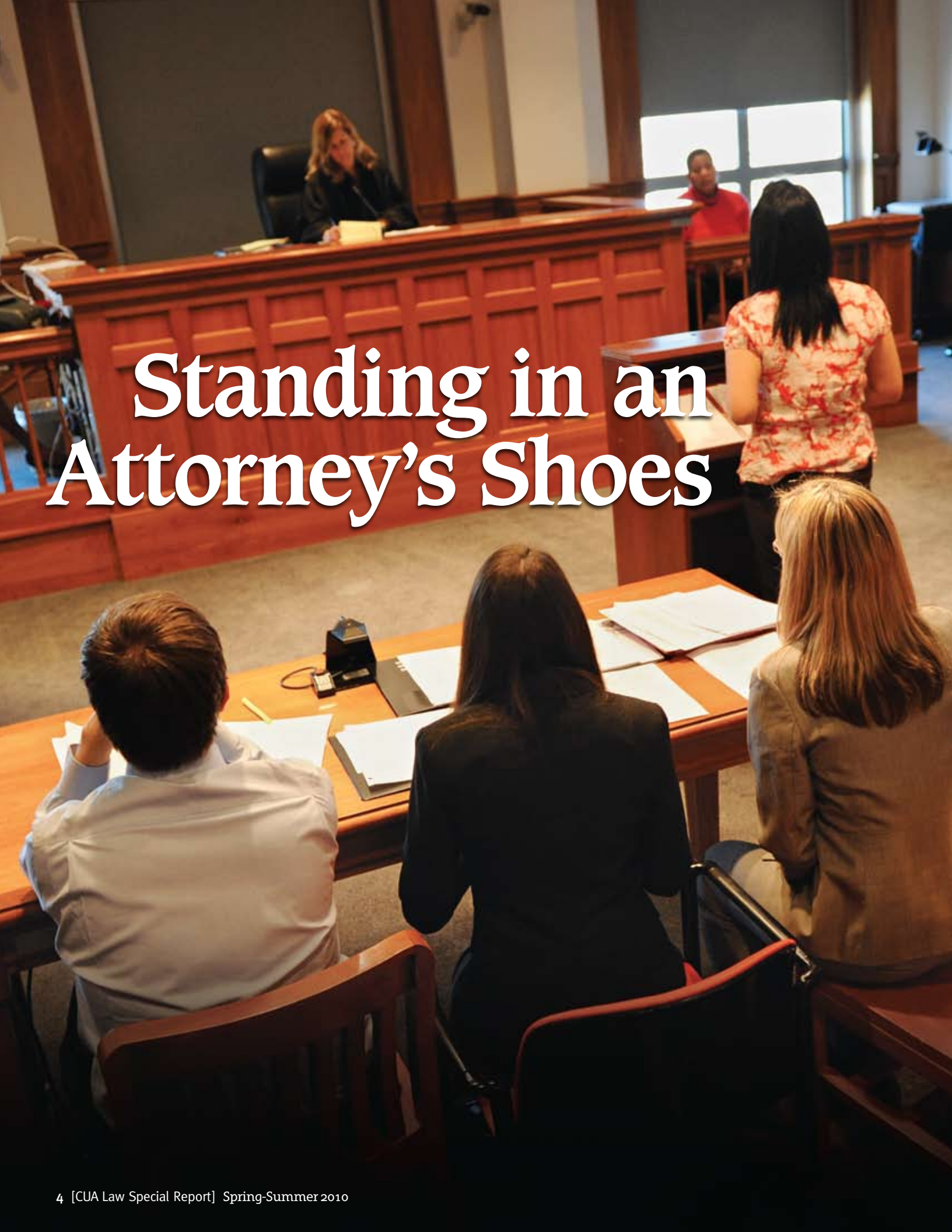
confident graduates who enter the workforce undaunted by the transition from the classroom to the real world.

As the dean’s welcome letter to prospective applicants points out, an emphasis on building practical skills is especially important in Washington, D.C., which offers students the nation’s richest assortment of opportunities to do the work of a lawyer while still working on a law degree:

“We are just minutes from the United States Congress, the Supreme Court, the White House, federal government agencies and courts, numerous private law firms, corporations and non-profit organizations. Enrolling at CUA Law will allow you to observe and experience firsthand a wide range of law practice as interns and law clerks with the legal departments of these various entities.”

Many CUA Law students, when interviewing for postgraduate employment, distinguish themselves by being able to truly claim they have already done much of the work that young associates are expected to perform. Far from starting in their first positions as “greenhorns,” CUA students begin their careers as seasoned as it is possible for a young graduate to be.

In short, they enter the legal world “Practice Ready.” ■



Standing in an Attorney's Shoes

“I would say that we are far more hands-on, as a group, than at other places.”

— Professor Beverly Jennison

Most attorneys rarely, if ever, deliver the stem-winding, unforgettable orations before judges and juries that are depicted in the typical television drama. The work that attorneys generally perform is quiet and behind the scenes.

It involves talking with clients, drafting legal documents and planning trial strategies or appeals. It’s about negotiating; 95 percent of filed cases are settled before reaching a judge and almost every court in the country requires litigants to attend settlement conferences as well as court-ordered mediation.

These are critical professional skills for most lawyers, and Catholic University’s Lawyering Skills Program is a central component of the response to that need.

Mandatory for all first-year students, the Lawyering Skills Program (LSP) is a series of courses designed to teach students how to become competent basic legal writers and researchers. The first-semester course focuses on skills associated with basic book and electronic research, as well as objective legal writing. The second-semester course concentrates on more advanced research, as well as oral and written advocacy skills.

In addition, students may select supplementary LSP courses that constitute a dress rehearsal for real-life lawyering. These include Alternative Dispute Resolution Techniques; Appellate Advocacy; Interviewing, Counseling and Negotiating Skills; Legal Drafting Seminar; Mediation and Arbitration Skills; Trial Practice; Trial Skills; and Advanced Trial Practice.

In each class, students discharge the duties of a practicing attorney, learning by doing.

“No legal employer wants to do basic training from scratch,” says Professor Beverly Jennison, one of the seven instructors in the Lawyering Skills Program. “Our courses help shorten the real-life learning curve by introducing practice-oriented concepts to students, and by helping them to understand what it takes to write, for example, a legal memorandum or a basic motions brief. Their subsequent experiences provide them with the practice to get better at these tasks.”

The LSP approach is analogous to the way language classes are taught: people are immersed in the sounds of the new tongue from the moment they walk in the door.

Likewise, first-year LSP students get off to a quick start. Professor Olivia Farrar, who has taught upper-level drafting classes at CUA for the last two years, begins by focusing on how practicing lawyers use e-mail.

“The law is increasingly communicating via e-mail rather than old-fashioned paper memos,” notes Farrar. “Because this new mode of communication has quite different advantages and risks for the young lawyer, I’ve felt that the students need to experience translating their analyses into the e-mail format as well as the memo format.”

That’s just for starters. During the spring semester, Farrar requires her students to attend court and then write up a reaction to their experience. Fewer than 5 percent of them have ever stepped foot in a courtroom or a courthouse.

“Given that we expect them to act like lawyers and talk like lawyers as we move into the advocacy training of the spring semester, I want them to see and hear and feel what a

NOTABLE FACTS: LAWYERING SKILLS PROGRAM

- Students may conduct practice client interviews to develop the feel for interviewing a new client for the first time.
- There are plenty of oratorical opportunities to shine. First-year students get to present appellate arguments before practicing (volunteer) judges and lawyers and receive valuable feedback about their growing skills. In the spring, they do it again, this time in conjunction with submission of both their motions briefs and appellate briefs.
- Students complete not only a trial motions brief, but are exposed to the complexities of constructing a full appellate brief as well. This is beyond the range of what is offered by the first-year curriculum at many law schools.

Whispers, Offers and Deals with the Devil: *Mediation Brought to Life*

courtroom does and how the lawyers in that courtroom behave,” says Farrar.

The spring curriculum also focuses intensely on the art of settlement negotiations at each significant step of the litigation process. Students are taught how to step back, perform a brief risk analysis and then brainstorm for settlement options. Keeping their clients’ interests foremost in their minds, they practice the mechanics of document writing related to pre-settlement risk analyses, mediation statements, and then settlement agreements to memorialize the settlement.

Farrar says the exercise requires a shift in mindset from litigation advocacy to the gentler art of strategic persuasion. “That shifted mindset is best learned by actually experiencing and participating in settlements and mediations.”

From Complaint to the Eve of Trial

Although not technically a part of the Lawyering Skills Program, this course continues LSP’s philosophy for upper-level students. “From Complaint to the Eve of Trial” is a year-long, five-credit course that provides advanced training in pre-trial practice in complex litigation. It is taught by Professor Stephen Goldman, who spent much of his time on complex civil litigation matters as a former partner at Kirkpatrick & Lockhart LLP.

Students work in teams and conduct the same hypothetical piece of litigation for the whole year, either as plaintiffs or defendants. They draft complaints or responses to complaints, that is, answers or motions to dismiss. In the first semester, students respond to the basic forms of written discovery. The bulk of the second semester consists of intensive deposition training. Each team takes and defends at least two depositions in each role.

“The course concludes by students drafting a memorandum to the partners of their hypothetical law firm,” says Goldman. “They assess the evidence that has been gathered in discovery and recommend a price at which settlement is appropriate and, by implication, the price at which the client should be advised to ‘walk-away’ from settlement and proceed to trial.” ■

LSP IN ACTION: One of the best examples of the way the Lawyering Skills Program ties together its commitment to practical skill development is through its simulated mediation exercise. Once assigned a role in a creatively written legal “play,” law students are expected to work their way through a knotty series of issues dividing two camps that have come before a federal mediator for help. The challenging exercise integrates many of the skills of the first-year program into a creative new package.

“The first-year program—writing, oral advocacy, mediation/settlement, and the practitioner’s lecture—reveal an exciting, integrated approach to the second semester skills of the first-year student, one that we think is unique to our school,” says Professor A.G. Harmon. The 2010 scenario, constructed by Professor Farrar and Harmon, was recapped by a story on the Columbus School of Law Website:

It won’t air on a cable channel anytime soon, but “Real Litigants of Washington, D.C.” offered up another spectacular episode at the Columbus School of Law on April 12.

Its commonplace title, *United States of America ex. Rel. Grace A. Garrett v. Twin Oaks Hospital, Inc.*, gave no hint of the drama packed within the story.

Grace Garrett, an unemployed medical records specialist and courageous whistle-blower, is involved in the lawsuit of her life. Win and she gets both money and acclaim for bringing the feds down on the fraudulent overbilling practices of her former employer, Twin Oaks Hospital. Lose, and she winds up a penniless, untouchable troublemaker.

The fictitious Garrett could have leapt out of the headlines of any newspaper in America. As it happens, she is the brainchild of Columbus School of Law Professor A.G. Harmon, who for the second year has scripted and staged an intricate and convincing simulated mediation exercise that allows first-year law students a front-row seat to observe the delicate dance that characterizes most mediated conflicts.

Grace A. Garrett v. Twin Oaks was the culmination of the first-year appellate advocacy problem that lawyering skills students worked on all semester and finally got to see played out in real life. Harmon, a published novelist, brings a professional writer’s skill to the task of creating an engaging and realistic legal teaching scenario for students.

The plaintiff, defendant, counsels and even institutions like Twin Oaks Hospital are equipped with secrets, checkered histories and hidden agendas.



(Whistle-blowing hero Garrett, for example, lives in fear of the discovery that some of the methods she used to uncover the fraudulent billing practices weren't *quite* legal).

As instructors in the law school's unique Lawyering Skills Program, Harmon and Professor Olivia Farrar reached across campus to the drama department and theater majors to bring the story to life.

Two actresses from the drama department—Professor Marietta Hedges and Mimsi Janis—took the roles of the clients. The lawyers were played by first-year law students Stuart Clarke, Ellen Berndtson, and Dan McGraw. A real mediator from the D.C. Circuit, Richard Ugelow, volunteered to mediate the complex settlement between Grace Garrett, Twin Oaks Hospital and the U.S. Department of Justice, which also jumped into the case when it was determined that the overbilling charges were a matter of federal court jurisdiction.

Saddled with the expenses of two small children, no husband and no income, the plaintiff was plaintive when first addressing the mediator.

"I really need a job to support myself and my family. I haven't worked for a year. That's really an important outcome for me," Garrett stated at the outset. Harassed by a vindictive supervisor after she red-flagged the hospital's malfeasance, Garret claimed she was forced to quit.

As is common in mediation, the two sides were far apart on financial and other reparations. As mediator, Ugelow patiently led the legal combatants to shared ground. He asked questions, probed expectations, pointed out untenable positions and, a number of times, asked one side to leave the room so he could converse freely with the other.

In the end, Twin Oaks Hospital settled with Garrett alone. They offered her a different job under a new boss, agreed to pay her attorney's fees, and offered her some extra money for compensatory damages. The hospital administrators also decided to continue to slug it out with the federal government over its billing practices.

The mediator felt that with more time, he might have made the hospital reconsider the risk it was taking by not settling with the government.

"After we threw in the towel and ended it, Ugelow discussed the events with the students and the principals so that the audience could understand why he did what he did," said Harmon.

Garrett and the cast of characters in Harmon's legal play aside, the real winners in the room were the first-year lawyering skills students, who were treated to a gritty and unflinching look at the human factors than can and do influence the application of the law. ■



STUDENT SCHOLAR SERIES

An ability that many attorneys—even longtime practitioners—could stand improvement upon is their verbal presentation skills. Whether speaking in a courtroom, to a client or before colleagues, the knack for summing up issues succinctly and persuasively can help to separate one from the pack.

In 2009, Professor A.G. Harmon created a program that may be the first of its kind among American law schools. His unique Student Scholar Series was conceived as a forum to recognize notable legal scholarship produced by students during the academic year. It also allows them to practice the skills associated with presenting and defending their scholarship in a professional, conference-style setting. A direct extension of LSP's do-it-yourself philosophy, the series permits selected students to deliver a lecture before a live audience on a legal issue of their choice. A respondent asks questions afterwards, as do questioners from the audience. The exercise is closely patterned after an academic conference in which a law professor presents a paper to peers. The student scholar is selected for quality of research, understanding of the issues involved, presentation style and the ability to think on his or her feet.

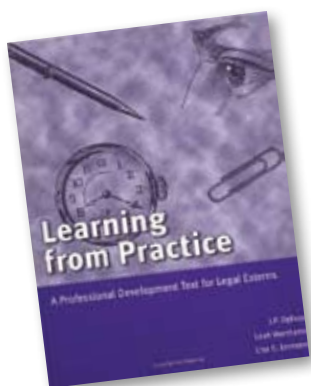
Since the inception of the series, CUA Law students have lectured on subjects including fair methods for determining executive pay; how the FCC should handle the auction of a section of the public airwaves; and whether Websites such as Roomates.com, which allow people to specify preferences in the type of roommate they are searching for, violate the 1968 Fair Housing Act, which forbids discrimination in housing.

The student scholar series does have elements of nail-biting pressure, but that is perhaps the reason it has proven to be very popular.



[CUA Law's Externship Program]

What is this “ex” business, anyway? The Columbus School of Law has offered one of the best legal externship programs in the United States for many years. But the term “externship” sometimes confuses people who are new to legal education. An externship is identical to an internship. In law school vernacular, externship refers to a program in which the students work at organizations outside of the law school and are supervised by lawyers who are not faculty members. The basic model, uncompensated work in exchange for real-world experience, remains the same.



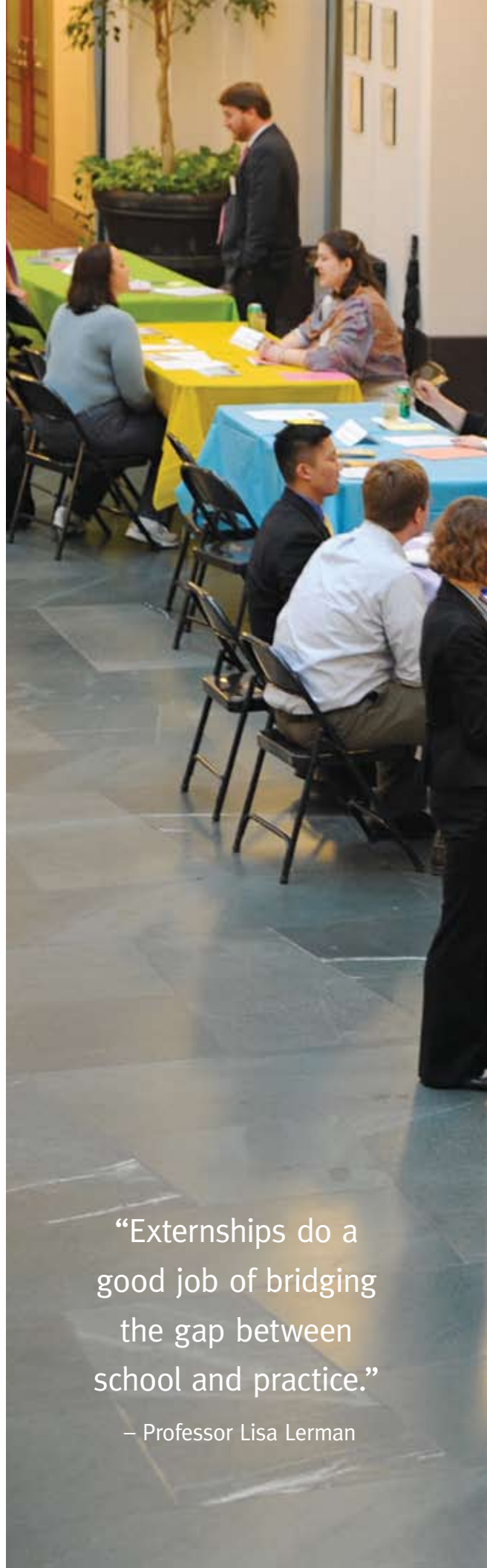
An expert's field manual, *Learning from Practice* instructs students, professors and employers on how to gain the most from an externship.

CUA Law's Legal Externship Program is a true pioneer in the field. One can say without exaggeration that the law school's faculty wrote the book on externships—literally. The first and only textbook on externships in wide use among law schools today, *Learning from Practice: A Professional Development Text for Legal Externs*, is the result of a collaborative effort among several CUA Law professors.

“Our program has a very strong national reputation, in part because we started letting students do fieldwork for credit long before many other schools did,” says Professor Lisa Lerman, who has directed the law school's externship program since 2006. “We made

“Externships do a good job of bridging the gap between school and practice.”

– Professor Lisa Lerman



On the JOB





The paycheck will come later, but the payoff is immediate. Says one externship enthusiast, “Take every opportunity you can to meet with actual employers. Keep thinking to yourself: What is it that I want to do with my law degree? The more you’re out there meeting people, the more satisfied you’ll be with your legal career.”

a kind of serious commitment to it that many schools didn’t. Many other law schools look to us for course materials and guidance about program development.”

Over the years, Catholic University’s externship program has extended its reach across the vast legal field of Washington, D.C. Today, more than 200 students earn course credits each year by working at non-profit organizations, government agencies, in congressional offices, or for judges, law firms, trade associations and corporations. During the spring semester of 2010 alone, a record 111 students performed externships for credit everywhere from the White House to the Peace Corps.

They are far from glorified file clerks. CUA student externs have the opportunity to assist with representation of clients, legislative and other policy development, and a wide range of other lawyering activities. Many students use externships to explore possible career paths and to clarify their professional goals. It’s not

unusual to develop relationships with mentors and colleagues that continue long past the end of the externship.

“Most students start off with an idea about something they’re interested in, but they don’t really know what it’s going to be like to do that type of work until they have some experience on the ground,” says Lerman. “Lots of students need to try one placement, then another, and by the time they get out of law school they may have a much clearer idea of what’s out there and what they want to do.”

The on-site experience is supplemented by seminars and tutorials. Students have the opportunity to examine legal and professional issues that arise in their fieldwork and learn about the field experience of students at other placements.

In addition, student externs may identify the places they desire to work and earn course credit; they are not merely picking from some pre-approved list. The rules are simple and few.

- They cannot be paid.
- Every extern must be assigned a professional person (usually a lawyer) to be the primary supervisor and mentor.
- Externs must be provided with a desk, a phone and a computer.
- Students must maintain and turn in a log of their fieldwork listing the dates, hours worked and the tasks accomplished during those hours.

The Columbus School of Law is open to granting externship credit in most legitimate legal settings. Unlike some law schools that permit externships only in the public sector, a CUA student may work and learn in a trade association, a private law firm or in any private sector organization they are interested in.

Employers Come Calling

For the past dozen years or so, the Columbus School of Law has hosted an externship fair each spring. It is a collegial event

“Lots of students need to try one placement, then another, and by the time they get out of law school they may have a much clearer idea of what’s out there and what they want to do.”

that is also open to students of other area law schools. In a typical year, 50 or more legal employers may participate, setting up tables and providing representatives to answer students’ questions. Backed by the reputation of CUA Law’s externship program, the fair has grown in size and importance each year, and it is now a major meeting point between students who want to gain firsthand experience and employers who are happy to provide it to talented volunteers.

“All you need is one good conversation,” says a local law school career services director who attended the externship fair. “You can’t underestimate the value of a student meeting face-to-face with somebody. There’s a lot of serendipity in those conversations that you don’t get just from e-mailing a résumé.”

Externship exhibitors have included the Department of Justice, the International Center for Missing and Exploited Children; the Natural Resources Defense Council; the Public Defender for the City of Alexandria; the Center for Legal Empowerment, Accountability and Reform; the U.S. Department of the Treasury; the Alliance of Artists and Recording Companies; D.C. Superior Court; National Geographic Channel; the Catholic Legal Immigration Network; and many others. Whether the connections made between law student and recruiter last for a semester or an entire career, advocates for students believe that externships are an irreplaceable part of a practice-ready approach to law school.

It’s easy to see why. Practical experience—meeting and working with clients, doing legal research and writing assignments on real cases, and learning to handle themselves professionally in every

setting—reassures potential employers that the young law school graduate they are considering for hire is not a risky gamble, but someone who has already shown that he or she is a smart bet. ■

EXTERNSHIPS IN ACTION: Q & A WITH LAYLA CALDERONE, CLASS OF 2010



Layla Calderone held five externships during her law school years. She made a point of experimentation and variety, working for course credit at the House Committee on Foreign Affairs, for a judge on the D.C. Superior Court and within the Department of Labor’s civil rights center, among other places.

Describe your levels of responsibility:

“It has varied, but as supervisors realize you can handle the load, they tend to leave you alone and give you more and more work. For my first externship on the Hill I actually wrote an amicus brief!”

Do externships bolster employability?

“Yes. There might not be a position for you at that time, but they start looking around and trying to help you more. My current supervisors have put me in contact with plenty of other people in the civil rights area because they couldn’t offer me a job.”

“They know what you’re capable of. So you’re one step above everybody else. You’re more than just a résumé. You’ve already been in that environment so you know what the work entails.”

How does this on-site experience differ from class work?

“Externships are completely different. Sitting in the judge’s office in the courthouse you realize that lawyers sometimes have no idea what they’re objecting to. It’s not like ‘Law and Order’ on TV; it’s not very polished, it’s very rough. It brings you a sense of ‘I can do this.’ You see the reality and you realize it’s not that hard, you don’t have to be intimidated, anyone can do it.”

How do externships help with career direction?

“I came into law school thinking I wanted to be a corporate, in-house counsel, and I realized it’s not at all what I wanted to do. I realized that I love labor and employment law and I want to work for the government. I turned almost 360 degrees on what I wanted to do, so externships are helpful. Supervisors want to help you and support you.”



In Service of Others

Legal problems are not bounded by neighborhoods, races, ethnicities or class lines. Since 1970, residents of northwest Washington, D.C., have relied on free, competent and compassionate legal help available in their own backyard through the students and faculty members of Columbus Community Legal Services.



An immigration status tangle, a landlord dispute, a domestic violence complaint: No problem is beyond the assistance of the law school's legal clinic and the instructors and student volunteers who devote endless hours to the pursuit of justice and fairness.

Consistently ranked among the nation's top clinical legal education programs over its 40-year history, Catholic University's legal clinic and its related programs continue to make an enormous difference in the lives of people without hope, power or money.

Many of them are neighbors, living within sight of the campus and the law school. Rather than seeing the law school as a remote and privileged fortress closed off to them, the residents of northeast Washington, D.C., have come to regard the law school and its legal clinic as a friend and protector, as a provider of justice.

The Columbus School of Law's clinical legal program has earned its trust and reputation case-by-successful-case, and along the way

trained thousands of good students to become great lawyers. The program is a magnet for students who care about the common good.

Their participation levels reflect their passion. Each year, the great majority of second- and third-year students are involved in clinical legal education through class work, a simulation course or an externship.

The approach to clinical legal education at the Columbus School of Law is broad based, encompassing many different classes, programs and clinics. The centerpiece is Columbus Community Legal Services, which offers students three sub-specialty choices: the General Practice Clinic, the Families and Law Clinic, and Advocacy for the Elderly.



Professor Ellen Scully directed the law school's legal clinic for 25 years, overseeing its growth from a small store front operation to one of the most highly ranked clinics in the nation. Her expertise, wisdom and passion for justice are a continuing gift to students today.

General Practice Clinic



While the first-year classes help teach students to think like a lawyer and to experience law practice through simulated exercises, the General Practice Clinic moves things a step forward, offering students their first captivating taste of live-client interaction and experience.

Its curriculum is focused on interviewing, client counseling, negotiating and legal ethics. Students also learn some basic methods for approaching casework in a general civil practice. Outside of the classroom, students have the opportunity to work with clients on pressing civil matters, such as child custody, involuntary guardianships, public benefits, probate and consumer cases, to name a few.

The learning curve of the General Practice Clinic often poses serious legal problems, new areas in which many students may have little or no firsthand understanding. Luckily, they can draw from the vast expertise of its three supervising professors, Ellen Scully, Stacy Brustin and Faith Mullen, for guidance.

"Most important, students gain an understanding of how to represent a client. They become much better legal problem solvers," says Professor Mullen. "They understand the role of facts and persuasion in advocacy and begin to appreciate that if the answer was clear, there would be no need for a lawyer."

Under the D.C. Court of Appeals Rule 47, a student who has taken Civil Procedure and Evidence, and who is working under the supervision of a licensed attorney, is certified to do almost everything that a "real" attorney does. That includes appearing in court and signing legal documents. This gives students broad discretion

Melody Eaton (right) even worked through her pregnancy to help Jean Payne (in red) return to her beloved home.

in how they assist their clients, but also introduces them to the procedure, ethical considerations, interviewing, counseling and negotiation, pre-trial, and trial preparation skills needed to represent their clients effectively. Ideally, the general practice clinic experience will offer students a greater sense of the interconnection of the different aspects of their legal training.

As Professor Mullen sums it up, "If you want to learn to practice law, if you want to make that transition from law student to lawyer, if you want to gain insights and work habits that will sustain you through your first few years in practice, you should take the clinic."

Clinic Students in Action

Two days before Christmas, a fire broke out that caused severe damage to Jean Payne's southeast Washington, D.C., home of 40 years and sent her to the hospital for an extended stay.

Upon her discharge and still recovering from her injuries, Payne went to live with her daughter. She also hired a contractor to repair the substantial damage to her home. Some of the work was performed, but it was shoddy, substandard and out of compliance with safe building codes. Payne's home remained uninhabitable. Her insurance company stopped covering the dwelling because the repairs had not been completed.

Enter Melody Eaton, Class of 2008 and at the time a dedicated third-year General Practice Clinic student. Eaton took on Payne's case and filed a lawsuit against the contractor. In the best tradition, she was a tireless, creative and passionate advocate for her client.

In the course of preparing for trial, Eaton did superb work, drafting pleadings, researching the law, preparing a deposition and presenting the case to the court. Her efforts were rewarded when she obtained a judgment against the contractor in the amount of \$139,000 and \$17,000 in attorney fees. She successfully argued that the contractor's conduct was fraudulent, thereby making it harder for the contractor to discharge the judgment in bankruptcy.

Eaton also found a reliable new contractor for the Payne home, a company that was willing to do the repair work pro bono.

In 2008, after more than three years without a house to call her own, Jean Payne returned home to her cherished dwelling, which she now calls "the Miracle House."

Eaton's dogged pursuit of justice for Payne was rewarded with the Clinical Legal Education Association's Outstanding Student Award. ■

Families and Law Clinic

“I don’t think it’s appropriate for someone with a young daughter to come home intoxicated at 11 p.m. He slapped me. He shoved me against the wall.” That sad statement could be plucked from the court transcript of practically any domestic violence case from any jurisdiction in America.

In this case, however, it is from *Franklin v. Franklin*, a fictitious yet true-to-life court proceeding staged during the spring of 2010 that allowed CUA Law students to play the roles of attorney, victim and defendant as they litigated a domestic abuse complaint. Held under the auspices of the law school’s Families and the Law Clinic, mock trials like these are conducted each spring. Students present opening statements; conduct direct, cross and redirect examinations; manage the introduction of evidence; and offer closing arguments.

Under the direction of supervising professors Catherine Klein, Margaret Barry and Lisa Martin, FALC students work on their cases in teams of two. Most of the issues involve victims of domestic violence who seek representation in obtaining emergency protective orders; custody, child support and/or divorce orders; help with immigration; and some benefits and housing problems.

“We have given a lot of thought to our approach to clinical teaching,” says Professor Barry. “We want our students to understand the client perspective; the impact of violence, poverty, race and culture on client decision-making; the perspective of courts and other actors; and the application of law and procedure given these influences, or despite them.”

FALC students also are asked to work on a community education project. They might discuss legal issues with groups at a local shelter or conduct workshops at local schools.

In the latter category, the clinic has developed an innovative and well-known model for teaching teenagers how to identify and deal with violence in their lives, whether it comes from a parent, at school or from the person they date.



Backed in 1993 by funding from the Department of Education, FALC developed a workshop curriculum for teens that is now used by courts, the D.C. government, area high schools and in many other locations across the country.

The workshop’s primary goal is to teach teens how to extricate themselves early on from abusive relationships. But it also heightens the appreciation among law students for the social factors that drive so many of the problems that lawyers see.

Clinic Students in Action

Among other clients, FALC students represent immigrant women seeking legal status in the United States under a federal law that helps victims of domestic violence, crime and trafficking obtain legal status.

Not long ago, they took on the case of “Esperanza,” who came to the United States from El Salvador after Hurricane Mitch had devastated her country. At first, life was good. Esperanza had a happy relationship with a man from her own country and they raised two daughters together. But when he lost his job, things changed. He began drinking heavily. His behavior toward Esperanza turned physically and psychologically abusive. He frequently threatened to kill her. During one of the most violent episodes in their relationship, “Marcos” punched Esperanza in the head, knocked her to the ground, and strangled her in front of their two young daughters as they screamed for help. The boyfriend was arrested and charged with criminal assault. Esperanza ended up in the hospital.

Despite a civil protection order from the court, Marcos continued to stalk and torment Esperanza. But after clinic students took on her case, he was eventually put away in jail for six months. Students helped Esperanza gain sole legal and physical custody of her two daughters and also fought to obtain a “U” Non-immigrant Visa for victims of crime under the federal Violence Against Women Act immigration provisions.

Today, her life is settled and safe, thanks to the efforts of the clinic students and its faculty. Said one student who worked on her behalf:

“The first time I saw the faces of Esperanza’s children, I had to choke back tears. Because then it was not just about an adult woman who had been abused. It was about an entire family that was struggling to escape violence. Looking at their beautiful little faces, you understood why she fought so hard. Esperanza, standing at 4’11”, has taught me what it means to be strong. She has reaffirmed for me that I want to devote my legal career to helping women like her. I will never forget her.” ■

Professor Lisa Martin (front row, right) led her students through the labyrinth of immigration law to successfully secure a “U” visa for a client whose life was in danger.

Advocacy for the Elderly

Advocacy for the Elderly is one of the first law school clinics developed specifically to provide part-time, evening-division students with in-depth, practical legal training through direct representation of elderly clients. Students usually meet with clients during evening or weekend hours.

The clinic is convenient for part-time law students, but can be a lifesaver for low-income elderly residents of the District of Columbia. Students advocate for them before the courts and administrative agencies in a wide variety of civil, family and probate matters.

Michael McGonnigal, the clinic's supervising attorney since 1988, says such work can be a jarring lesson for some of his students, but is nonetheless critical for achieving the "practice-ready" goal.

"A 27-year-old student who grew up in the 1990s in a prosperous suburb of Boston made the dean's list and expects her life to get better and better, tries to get inside the head of a woman who grew up in rural North Carolina in the 1940s, who attended a segregated school for six years and for whom life has been mostly a series of heartaches and disappointments. They don't teach this in a classroom," says McGonnigal.

As noted elsewhere, there is almost nothing a lawyer can do that Advocacy for the Elderly students cannot do. They might be handed a file and assigned a new client with little warning. They are expected to get it right.

"For all intents and purposes, my people are practicing law with a safety net. They have more responsibility for what happens to their clients than many junior associates in big firms," says McGonnigal.

The student may learn that the real world is much more complicated than the most comprehensive exam question. Successful outcomes sometimes depend on hustle and quick thinking more than mastery of the contents of a casebook.

Perhaps it's due to the hours they keep, but the evening students who are building their practical skills together are a close-knit group. Camaraderie and an attitude of "We're all in this together" is the rule.

"The students work their tails off, but nobody is cut-throat about it. Everybody wants everybody else to thrive. It's a part of



Professor Mike McGonnigal and his clinic students were hand-picked by an administrative judge to jumpstart the representation of a client whose case had dragged through the courts for years.

the culture. This is especially true in the clinic, where students are eager to help each other out on their cases," says McGonnigal.

Clinic Students in Action

Volunteer firefighter Martha Bice made the ultimate sacrifice, eventually losing her life to smoke inhalation several weeks after responding to a call. While in the hospital, however, doctors discovered that she had a pre-existing heart condition. This fact set up a 10-year court battle that centered on a basic question: Did firefighter Bice

die of a congenital heart defect, or did smoke inhalation kill her during the course of her job, in which case the federal Bureau of Justice Assistance owed her husband survivor benefits?

After six years of rejected claims, widower Charles Bice filed an administrative complaint challenging the BJA's determination that his wife died of natural causes and that he was owed no compensation. The issue was batted back and forth in the courts so long that an administrative judge eventually asked Columbus Community Legal Services to step in and provide Bice with pro bono student assistance.

Under Professor Mike McGonnigal's guidance, a five-member team of Advocacy for the Elderly clinic students took on Bice's cause and eventually won a \$100,000 judgment on his behalf in the U.S. Court of Federal Claims.

Evening student Jonathan Coy, a member of the team, said the more closely the students reviewed the facts, the more convinced they became that the government's foot-dragging would be overturned once and for all. "The government has been incredibly unfair to this family. This has dragged on for years," he said. ■

"For all intents and purposes, my people are practicing law with a safety net. They have more responsibility for what happens to their clients than many junior associates in big firms," says Michael McGonnigal.

Additional Clinical Opportunities

In addition to the field work and live-client opportunities available through Columbus Community Legal Services, other practicum avenues are also open to students.

Criminal Prosecution Clinic

This clinic exposes students to criminal prosecution practice through a combination of actual trial practice and classroom work. Students are assigned to work in either the State's Attorney's Office of Prince George's or Montgomery County in Maryland, where they prosecute criminal cases in the circuit and district courts. Students are given a docket of cases for which they are responsible. Under the supervision of an assistant state's attorney, they engage in plea bargain negotiations and try criminal prosecutions to the court or, in some cases, to a jury.

D.C. Law Students in Court

D.C. Law Students in Court allows students to learn litigation skills while representing indigent clients in D.C. Superior Court. Students may choose between the civil and criminal divisions of the program. Casework can involve landlord-tenant disputes, small-claims court and misdemeanor crimes such as assault, theft or drug and weapons possession. This clinic provides the unique opportunity to work with students from four other area law schools that also participate in Law Students in Court.

Innocence Project Clinic

The Innocence Project Clinic became an official part of the curriculum in

2008–2009. Directed by Professor Sandy Ogilvy, the clinic's students work on behalf of inmates convicted of violent crimes in the District of Columbia, Maryland and Virginia who are asserting claims of actual innocence of the crimes for which they were convicted. In each case, students review the evidence developed by the government and the defense. They develop new areas of inquiry that might lead to a credible claim of actual innocence that can be presented to a court or chief executive to seek exoneration of the inmate.

SEC Student Observer Program

A specialized externship, the program provides students from area law schools with an introduction to the Securities and Exchange Commission's regulation of securities and securities markets. Student observers are assigned to work with SEC staff members on projects involving a broad range of the commission's work. Past projects have included investigation of industry and issuer practices, litigation of civil enforcement actions, administrative proceedings, and drafting proposed statutes and rules.

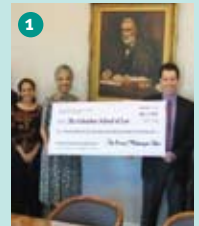
Howard Fellows

The fellowships are the result of collaboration between the law school and the Alexandria, Va., Bar Foundation. They provide participating CUA Law students with a stipend while they work in the Alexandria Public Defender Office providing legal support for attorneys who represent indigent clients charged with crimes in Alexandria. ■

NOTABLE FACTS:

COLUMBUS COMMUNITY LEGAL SERVICES

1. CCLS received a grant of \$220,000 in May 2010 to support and expand its practical experience for students in consumer protection services.



CCLS receives \$220,000 grant

2. Professor Margaret Barry was the recipient of the 2009 William Pincus Award for Outstanding Service and Commitment to Clinical Legal Education, one of the most prestigious awards in legal higher education.



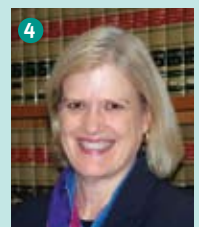
Margaret Barry

3. Professor J.P. "Sandy" Ogilvy, formerly the law school's coordinator of clinical programs, received the William Pincus Award in 2003. Ogilvy currently heads Catholic University's Innocence Project Clinic and also serves as director of the National Archive of Clinical Legal Education, which is housed at the Kathryn J. DuFour Law Library at the Columbus School of Law. Professor Ogilvy is among the nation's preeminent historians of clinical legal education. He has produced several short films on the subject, including a recent oral history interview with Justice Ruth Bader Ginsberg.



Sandy Ogilvy

4. The legal services clinic now offers a new, single-phone call approach that offers free legal help to claimants seeking assistance with public benefits cases involving health, food and shelter. The help line assists individuals whose public benefits have been terminated or reduced, or whose applications have been denied.



Faith Mullen

[Legal Writing Program]

It is universally agreed: stellar legal writing sets one apart from the pack. Students hear this as soon as they begin law school. The message is reinforced throughout their entire careers, first from professors, and later from hiring partners, colleagues and even members of the bench.

In 1991, a former New York State assistant attorney general, William C. Burton, even established a special awards program in his name to honor those law students and practitioners "Who use plain, clear and concise language and avoid archaic, stilted legalese."

Only a small number of people are chosen for recognition each year. They are honored at a black-tie ceremony held at the Library of Congress, an occasion that sometimes produces a Supreme Court justice as guest speaker.

Four Columbus School of Law students and practitioners have received Burton Awards so far.

- David Brewer, Class of 2010
- John Skees, Class of 2007
- Christopher Tierney, Class of 2002
- Erin Verneris, Class of 1995

Despite the consensus that strong legal writing is essential, many employers believe that this critical skill is slipping among students. Employers say they notice an increase in poor grammar, spelling mistakes, clumsy or nonsensical sentence structure and other problems.

"A writing sample alone won't get someone a job. But a poor writing sample will just stop your application in its tracks," notes CUA Law Professor Lucia Silecchia.

In its strategic plan in 2009, the faculty identified enhancing the law school's legal writing program as one of its curricular priorities. A committee of the law school was tasked with developing a proposal to strengthen and deepen the law school's writing curriculum. The group included the curriculum committee chair, Professor Stacy Brustin, Professors Lisa Everhart and Bev Jennison from the Lawyering Skills Program, Professor Faith

Mullen from the legal clinic, Professor Steven Goldman, and a student representative. They were assisted by Deans George Garvey and Georgia Niedzielko. The group was chaired by Professor Silecchia. She was a senior editor of the *Yale Law Review*, served as the assistant director of CUA's Lawyering Skills Program and also served for two years as the law school's associate dean for Academic Affairs.

The writing committee made recommendations that have already been adopted by faculty vote. Starting in the fall of 2010, an upper-level legal writing class will be required for second-year students. They may select from a menu of practice-oriented writing courses. Topics include legislative drafting, transactional drafting, appellate writing and litigation writing, among others. The classes aim to build on the solid

foundation in legal writing skills that they receive in the first-year Lawyering Skills Program. In addition to this new required writing course, students will also have to complete another substantial legal writing project as second, third or fourth year students. For this requirement they may choose from a wide array of choices, including law journal writing, a seminar paper, directed research or a course in academic legal writing.



Professor Lucia Silecchia

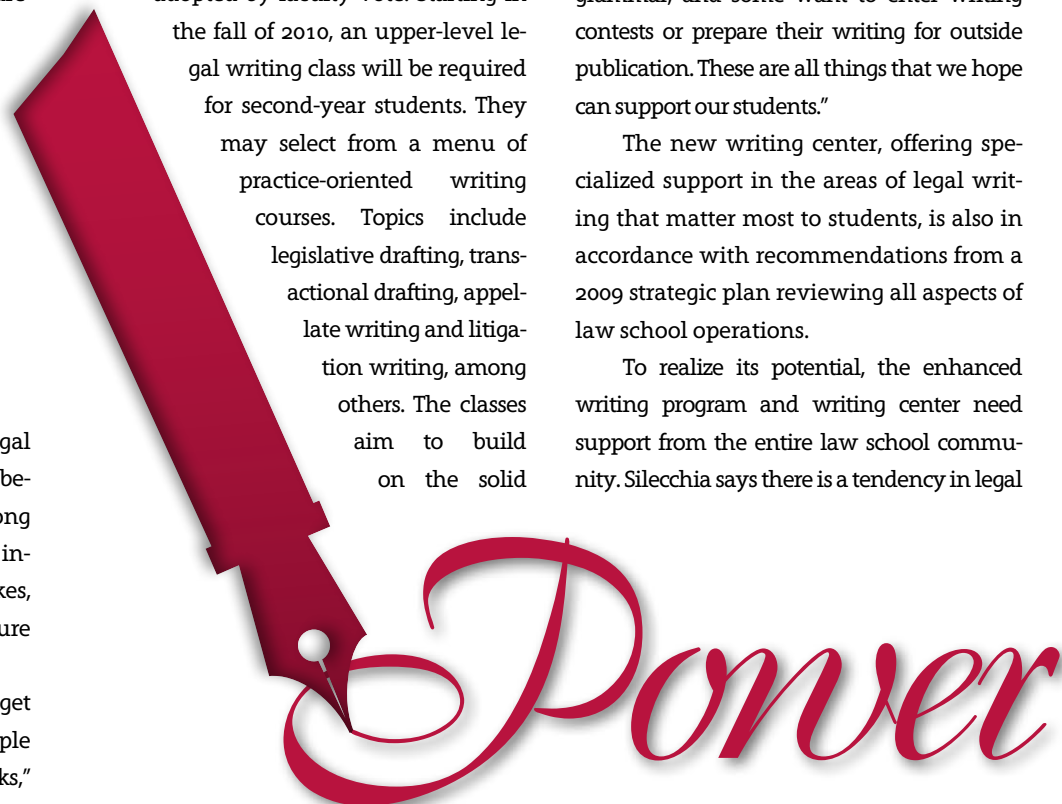
Since skillful legal writing does not necessarily come easily to many students, an additional component of the plan is the establishment of a writing center, scheduled for development in the upcoming academic year. "This would be a place where stu-


dents could get individualized help with particular issues they identified," envisions Silecchia. "Students have different concerns about their writing. Some of them have English as a second language, some are concerned about grammar, and some want to enter writing contests or prepare their writing for outside publication. These are all things that we hope can support our students."

The new writing center, offering specialized support in the areas of legal writing that matter most to students, is also in accordance with recommendations from a 2009 strategic plan reviewing all aspects of law school operations.

To realize its potential, the enhanced writing program and writing center need support from the entire law school community. Silecchia says there is a tendency in legal

education to view writing as something distinct from other class work, as somehow not fully connected to the overall practice-ready mission. "We have to make sure we don't compartmentalize this," she says. "If we graduate students who are well-trained in writing and get the reputation out there that they are, I think that really helps them. It's an opportunity for our students to distinguish themselves if they can out-write other people." ■



A man with dark hair and a beard, wearing a red polo shirt, is sitting at a wooden desk in a library. He is leaning forward, focused on writing in a blue notebook with a blue pen. The background is filled with wooden bookshelves containing many books. A lamp is visible in the upper left corner, casting a warm light. The overall atmosphere is one of quiet study and intellectual pursuit.

“It’s an opportunity for
our students to distinguish
themselves if they can
out-write other people.”

– Professor Lucia Silecchia

in a Pen

Ready to Practice

The Columbus School of Law approach to practical skills development is carefully designed to provide as much on-the-job training in advance as possible. Students who take wise advantage of its practice-ready curricular choices graduate ready to contribute right away in any practice settings, whether it is in government, private practice or elsewhere.

As with most law schools, a small number of graduates choose each year to begin their careers by launching solo practices. It isn't easy. Aside from mastery of their chosen practice area, these entrepreneurs must also learn how to run a business, keeping the bills paid and dealing with issues such as marketing and advertising.

In the spring of 2010, the law school offered **Starting and Managing a Solo Law Practice**, a five-week class taught by Washington, D.C.-area solo practitioners Pilar Nichols and Tillena Clark, both CUA law alumnae.

"The hardest part about being a solo practitioner is learning to balance the business aspect of running a practice while still being a practicing attorney," says Nichols. "They must know that they have to be a business person, a lawyer, and at the beginning, a receptionist, secretary and computer repairman, too."



Twenty-five students enrolled for the class. They covered the basics, such as raising startup capital and how to draw up the lists, documents, plans, budgets and accounting schedules needed to begin a successful solo practice.

"Starting a solo practice can be rewarding for those who want independence, have a tolerance for risk and have an entrepreneurial spirit," says Clark.

A related class, **Basic Principles of Law Firm Management**, is being offered for the first time in the fall of 2010. Taught by Mark Flanagan, managing partner for McKenna Long & Aldridge LLP, the course provides an overview of the key financial and operational concepts that govern the practice of law in a contemporary law firm. Topics include how firms can deliver services efficiently and effectively, compensation models (particularly for associates); and selected risk management issues.

"In today's challenging economic climate, law firm leaders must understand these topics to manage and lead their firms effectively," says Flanagan.

As Pilar Nichols notes, whether in solo, firm, government or any other practice setting, lawyers "can never let the business outweigh their commitment to practicing law and their adherence to the rules of ethics." On this point, too, CUA

Law students graduate with a thorough grounding in what is needed to succeed.

The **Ethics and Professional Responsibility Education Program** at the Columbus School of Law is serious business. It is a student initiative and partly student-administered as well. The requirements are clear and every student is expected to meet them before graduation.

First-year students must attend at least three honor education programs, and upper-class students are required to attend three additional elective lectures before they leave law school. Many kinds of issues and subjects are presented. From lecturers, group meetings, books, examination of court cases or other sources, students might learn about ethical issues involved in legal research and scholarship. Or, they may learn how to deal with such professional problems as plagiarism, substance abuse, or the dangers posed by posting inappropriate content to social Websites.

"Our ethics requirements ensure that students internalize at the outset of their careers that ours is an honorable profession, one in which no amount of technical competence can displace the need for civility and good judgment," says Professor Stephen Goldman, who offers some of the honors presentations.

There are a number of methods that encourage students to commit to practicing law in an honorable and ethical way. Because so much of the emphasis to do so comes from their peers, the lesson sinks in for CUA Law students.

These courses and honors requirements offer CUA Law students three more useful tools to leave law school practice ready. ■



WHY PRACTICE-READY MATTERS

“You get real clients with real cases. This is your chance to practice before you graduate. I’m here to pick up the pieces if you mess up, but that almost never happens. This is the kind of experience that can turn you into a lawyer even before you sit for the bar.”

—Advocacy for the Elderly Supervising Professor Michael McGonnigal



THE CATHOLIC UNIVERSITY OF AMERICA
Columbus School of Law
Washington, DC 20064
REASON. FAITH. SERVICE.

Nonprofit Org.
U.S. Postage
PAID
Hagerstown MD
Permit No. 93

