

berkeley
boalt hall



school of law
CLINICAL AND SKILLS PROGRAMS
UNIVERSITY OF CALIFORNIA, BERKELEY SCHOOL OF LAW

In Boalt Hall's Clinical and Skills Programs, students are exposed to the real-world challenges they will face as attorneys. Whether representing a client, preparing a mock argument for a competition or working in an internship position at a government agency, students learn the skills they will need in practice.

Students in Boalt's Clinical Program learn first-hand how to represent clients and work on cases. Clinic students handle a wide variety of legal matters, ranging from collaborating with human rights organizations on international fact-finding missions to representing clients on death row. Clinic students are supervised by leading scholars and nationally recognized experts who work on the front lines of today's most pressing legal issues.

The Skills Program offers a range of courses designed to teach students the practical knowledge they will need as attorneys, including researching and writing, interviewing clients, negotiating settlements and arguing cases. The courses are taught by faculty and leading practitioners who are able to draw on their own experiences and provide instruction and feedback to students in small, interactive classroom settings.

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the clinical program



Clinical Program students represent clients in real cases and gain invaluable experience and insight into the justice system. Students in the program work in a variety of legal settings using four distinct practice models: the Center for Clinical Education, the East Bay Community Law Center, the Faculty-Supervised Clinic and the Field Placement Program.

The most meaningful experience I've had at Boalt by far was visiting a client on death row. I was able to meet our client face-to-face and relate to him as a person—not just a name in a casebook.

—Shannon Dyer '02

CENTER FOR CLINICAL EDUCATION

The Center for Clinical Education is a working law office within the law school. Under the leadership of Director Charles Weisselberg, the center includes three clinics: the Death Penalty Clinic; the International Human Rights Law Clinic; and the Samuelson Law, Technology and Public Policy Clinic.

All of the center's clinics are led by full-time faculty members. Each clinic includes a seminar where students learn the relevant law and basic litigation skills they need to work as a team for clinic clients. The seminar also serves as a workshop for students to present their cases, so that every student can contribute to every clinic case.

Death Penalty Clinic

Launched in August 2001, the Death Penalty Clinic offers students the opportunity to gain hands-on experience assisting death row inmates in need of legal counsel. Under the close supervision of the clinic's faculty, students are involved in every aspect of post conviction work, including visiting clients on death row, interviewing witnesses, tracking down original court documents, examining evidence, researching legal issues, and writing motions and briefs. Currently the clinic represents individuals sentenced to death in Alabama and California.

In addition to representing death row inmates, clinic students are involved in related advocacy projects. Students and faculty recently submitted an *amicus curiae* (friend of the court) brief to the U.S. Supreme Court, on behalf of a former judge and a prosecutor, addressing racial discrimination in the jury selection for a capital prosecution in Texas. The case is being heard by the Supreme Court in the 2002 term.

The clinic is also counsel of record before the U.S. Supreme Court in another Texas case seeking to establish that death row inmates have a right to court-appointed attorneys in clemency proceedings.



Death Penalty Clinic

One example of the Death Penalty Clinic's effort to shape death penalty jurisprudence nationwide is an *amicus curiae* brief recently filed in the U.S. Supreme Court. The brief asks the Court to review the conviction of Thomas Joe Miller-El—an African-American man sentenced to death in Dallas County for the 1986 murder of a white hotel clerk.

Clinic students were involved in all aspects of the brief—including developing an *amicus* strategy, researching case law, reviewing evidence and writing the brief. "Learning how to persuade the Supreme Court to review a death penalty case was a great experience," says Racheal Turner '02, one of the students assigned to the case. "We worked with an impressive range of lawyers experienced in capital representation and Supreme Court practice to develop our arguments."

The clinic's brief summarizes evidence that the Dallas County District Attorney's Office deliberately and systematically excluded African Americans from juries for years, both before and during Miller-El's trial. The brief explains why, from the perspective of a judge and a prosecutor, the integrity of the criminal justice system suffers when citizens are removed from juries because of their race.

The brief then argues that state and federal courts reviewing the case failed to follow a 1986 Supreme Court ruling. "We believed that the Supreme Court precedent on jury discrimination was being misapplied by the lower courts," says Turner. "It's essential that the Court review the case to ensure that no one is excluded from jury service because of his or her race."

In February 2002, the Supreme Court agreed to review Miller-El's case, and a decision is being issued in June 2003. A favorable ruling from the Court in this case may prevent Miller-El's execution as well as significantly change the way courts handle jury selection.

case study



International Human Rights Law Clinic

Established in 1998, the International Human Rights Law Clinic is a vital resource for victims of human rights abuse across the globe. The clinic works on a wide spectrum of projects, from collaborating with human rights organizations and activists on innovative litigation, research and policy work to representing individual refugees in asylum cases. Students are involved in all aspects of the clinic's work, including conducting investigations, preparing for trials and appearing in cases before international judicial forums.

The clinic's human rights projects allow students to design and implement creative solutions to improve the lives of victims of human rights abuse around the world. Recently clinic students appeared before the Inter-American Commission for Human Rights arguing for the rights of children of Haitian descent to attend public schools in the Dominican Republic. Clinic students were also involved in a groundbreaking case in a Florida federal court on behalf of three torture victims seeking damages from two former Salvadoran generals. Through the suit, the victims sought to hold the men, who were living in Florida, accountable for the gruesome torture carried out by soldiers under their command. The jury found the former generals liable and ordered them to pay \$54.6 million in damages.

Students also represent refugees seeking asylum in the United States. In asylum work, students serve as dedicated legal advocates for their clients, representing them in their initial application for asylum and in adversarial hearings in Immigration Court. Recently the clinic represented a Tibetan woman who was granted asylum following three years of beatings and torture by Chinese police as punishment for her participation in a political demonstration. Clinic students also successfully represented a teacher from Kenya who was abducted and tortured by the Kenyan police for teaching his students a comprehensive history of their country and advocating a multiparty democracy.

International Human Rights Law Clinic

Soon after moving in together in their native country of Colombia, Carlos and Roberto* began receiving threatening notes under their door, as well as extortion demands—all related to their sexual orientation. On several occasions they were searched, threatened and beaten by the Colombian police. They finally fled the country after Carlos's brother was shot by an assailant who mistook him for Carlos. Once the men were in the United States, clinic students began working on their asylum cases.

"There was so much responsibility placed on our backs. In a sense, a person's life is in your hands," says Damir Arnaut '02, one of four clinic students assigned to represent the men. The students spent a semester drafting requests for political asylum, assembling corroborating documents about social cleansing groups and police brutality against gays in Colombia, preparing the men for their interviews, and composing and delivering an oral argument at the asylum hearing. "The students were untiringly working on our project. They were not just understanding our case but also helping us adjust to life in a new country," says Carlos.

Two weeks after the hearing, Carlos and Roberto learned that they had been granted asylum. Today Carlos works as a freelance bookkeeper and Roberto works at a social service agency.

"I can't imagine how it would have been without the students," says Carlos. "It's such an involved process and, economically, we wouldn't have been able to hire attorneys."

**Names have been changed to protect clients of the International Human Rights Law Clinic and their families.*

case study

During my time in the clinic, I argued before the Inter-American Commission for Human Rights on behalf of two children of Haitian descent for the right to attend public school in the Dominican Republic. In meeting with my clients, I was able to see that education was their only real chance of escaping the extreme conditions of poverty they were living in. The most satisfying part of my clinic experience was seeing those children granted Dominican birth certificates and the right to attend school.

—Hillary Ronen '03

Samuelson Law, Technology and Public Policy Clinic

The first clinic of its kind, the Samuelson Law, Technology and Public Policy Clinic gives students hands-on experience representing the public interest in the rapidly changing field of technology law. In addition to learning valuable skills, students are able to help shape public policy by developing new legislation, influencing technical standards, engaging in litigation and educating the public. Since the clinic's founding in January 2001, students have been advocates on a variety of cutting-edge legal issues, including freedom of speech on the Internet, privacy standards for online and wireless communications, and the effect of intellectual property laws on the global distribution of essential medications.

Clinic students play an important role in protecting the public's right to privacy by working on behalf of leading privacy and consumer organizations to analyze new technology, participate in regulatory and technical standard-setting procedures, and educate the public. Recently students have been involved in analyzing the privacy implications of newly developed programs that electronically distribute government benefits. Following the September 11 terrorist attacks, students provided guidance to organizations working to ensure that new regulations governing communications do not infringe upon civil liberties.

Clinic students also represent the public interest in intellectual property policy and help make sure that the recent expansion of intellectual property rights does not threaten the exchange and use of information that has traditionally fueled innovation and creativity. In 2002 the clinic submitted an *amicus curiae* brief to the U.S. Supreme Court arguing on behalf of a public nonprofit that is prevented by copyright law from building an Internet library. The case is being heard by the Supreme Court in the 2002 term. The clinic is also working with Boalt's International Human Rights Law Clinic and the East Bay Community Law Center to urge the Sri Lankan government to provide HIV-infected citizens access to medications, and to assist the Sri Lankan government in complying with domestic and international intellectual property laws.



Samuelson Law Technology and Public Policy Clinic

In January 2002, the Samuelson Law, Technology and Public Policy Clinic collaboratively launched a groundbreaking website designed to give Internet users knowledge about their online legal rights. The site, www.chillingeffects.org, provides detailed information explaining the effect of intellectual property laws and the First Amendment on online communications. By educating people about their rights through Chilling Effects, students provide a needed public service while gaining hands-on experience with challenging legal issues.

The site encourages recipients of cease-and-desist letters to submit them to a public database published on the site. Students review the letters and annotate them by linking to detailed FAQs that explain the applicable legal rules. Students working on the site also publish periodic “weather reports” that keep readers up-to-date on new developments and provide links to news and other resources. “The Chilling Effects project is an amazing opportunity to take an active role in protecting the sharing of knowledge on the Internet,” says Eddan Katz '02, one of the students who worked on the site's launch. “We can empower people to engage in legitimate activities with new technologies by explaining how the intellectual property laws we learn about in class may in fact protect their freedom of expression.”

While enrolled in the Samuelson Clinic,

I worked on post-September 11 privacy

and surveillance law issues for our client—

one of the foremost civil liberties and

technology centers in the country. The

clinic was a unique doorway into a legal

debate at the forefront of public interest

and technology issues.

—Roopa Singh '03

EAST BAY COMMUNITY LAW CENTER

The East Bay Community Law Center (EBCLC) began in 1986 when a group of Boalt Hall students decided to use their skills to combat problems of homelessness and poverty in neighboring areas. Together with Boalt faculty and local residents, the students worked for the next two years to raise funds and establish the clinic as an independent non-profit corporation. EBCLC officially opened its doors in 1988 with a full-time staff of three and a handful of committed students. Today EBCLC is the East Bay's largest provider of legal services to low-income residents, with 20 staff members and more than 80 student interns providing legal and outreach services to approximately 4,000 people per year.

EBCLC is the community-based component of Boalt's Clinical Program. Under the leadership of the center's director, Jeff Selbin, students collaborate with EBCLC's attorneys to provide legal services to local low-income residents in one of four practice areas: Community Economic Development; Employment and Income Support; Housing and Eviction Defense; and HIV/AIDS Law. Students work hand in hand with the clinic staff to interview clients, research relevant law, negotiate with opposing parties, and prepare for and appear in trials.

Students also enroll concurrently in the clinic's companion seminar, Community Law Practice at EBCLC. The seminar allows students to discuss the challenges they face while learning essential legal and problem-solving skills and exploring new methods for serving low-income clients and communities.

Community Economic Development Practice

Students in the Community Economic Development (CED) practice area work to implement innovative, long-term economic development programs that help low-income communities in the East Bay build and maintain economic self-sufficiency. One of the CED's most important contributions to date is the recent opening of the People's Community Partnership Federal Credit Union in Oakland. The result of more than five years of effort on the part of EBCLC students and staff as well as community organizations, the credit union brings banking and credit access to tens of thousands of low-income residents previously denied these basic financial services.

Employment and Income Support Practice

EBCLC is a critical resource for welfare recipients in the East Bay and a leader in developing programs to support people attempting to transition from welfare to work. To provide clients with employment-related alternatives to public aid, EBCLC created the Family Advocacy and Services Team (FAST)—an innovative, multidisciplinary welfare-to-work collaborative. Students involved in FAST assist low-income clients with legal issues related to meeting job training, employment, healthcare, child care and transportation needs. EBCLC is equally committed to advocating for welfare recipients who cannot work, and students also work to impact policy that ensures that welfare laws and regulations are fair and effective.

East Bay Community Law Center

Luz Maria Conde and her family have come a long way since the day they arrived at the Oakland courthouse, eviction papers in hand, scared, angry and confused.

"It all started when the landlord wanted to double the rent," Luz Maria explains, "so we sued him. He asked me to drop the case. A month after we dropped it, he increased the rent again, from \$725 to \$1,650 plus \$10 each day for the garage. Then he sued us [for eviction], saying that we had an extra person living with us and that we were using the garage for storage."

Fortunately, Luz Maria discovered EBCLC's Low-Income Eviction Project (LIEP). LIEP's attorneys and law students met with Luz Maria to explain her rights and assist her in negotiating with her landlord. Eventually LIEP and Luz Maria were able to convince the landlord that he would not succeed at trial. He agreed to end the eviction proceedings, and Luz Maria was able to keep her home without paying a rent increase.

With EBCLC's assistance Luz Maria is now more aware of her rights as a tenant. "Now we have more information," says Luz Maria, "like that the landlord can't increase our rent by more than three percent. We know now that they can't just do whatever they want."

case study



Housing and Eviction Defense Practice

EBCLC works to combat homelessness and rising housing costs in the Bay Area by providing housing advocacy and eviction defense services to local low-income residents. Students represent clients in eviction proceedings and require landlords to comply with state and local housing standards and other applicable laws. Students also participate in the Low-Income Eviction Project, which works out of the Alameda County courthouse, to represent tenants facing imminent evictions. In addition students help organize eviction workshops in the community and work with local and national organizations to formulate policy on issues such as increased access to housing for the disabled, preservation of affordable housing and long-term strategies to prevent homelessness.

HIV/AIDS Law Practice

In September 1990, EBCLC founded the HIV/AIDS Law Project in an effort to address the legal needs of local low-income residents living with HIV. Students assist HIV-infected clients in a wide range of matters, including benefits advocacy, estate planning, family law issues and debt relief. In 1997 EBCLC joined the Family Care Network, a collaborative project that provides comprehensive, multidisciplinary services to women with HIV and their families. EBCLC staff and students also recently initiated a groundbreaking collaborative project with the International Human Rights Law Clinic and the Samuelson Law, Technology and Public Policy Clinic to address the lack of access to HIV medications in developing countries.

Having a real deadline and a real client

who's either going to eat or not, who's

either going to have a roof over his or her

head next month or not, really helps focus

you on the issues. Working for EBCLC

clients and looking at a set of facts with

a particular client in mind definitely

improved my ability to do legal research

and writing.

—David Lee '02

FACULTY-SUPERVISED CLINIC

Domestic Violence Clinic

The Domestic Violence Clinic combines placement in a government agency or nonprofit office that provides legal assistance to battered women with a companion seminar in domestic violence law. Clinic students work on a variety of advocacy projects, including helping clients at San Francisco's Employment Law Center overcome employment problems related to domestic violence; addressing related legal problems for clients at Legal Aid; and researching and assisting with pending legislation with the California Alliance Against Domestic Violence.

Working closely with a clinic supervisor, students draft restraining orders, represent clients in court, write motions and memos, and work on legislation. The wide range of placement opportunities available through the clinic allows students to gain experience in many different legal areas, including employment, family, criminal, welfare and constitutional law.

FIELD PLACEMENT PROGRAM

In the Field Placement Program, students earn academic credit by interning in government and nonprofit organizations in the Bay Area. The program offers part-time positions and a few full-time placements in a variety of areas, giving students the opportunity to gain practical work experience no matter what field of law they are interested in. Currently there are more than 60 placements for students to choose from, including positions with state and federal judges; environmental organizations; public defenders' and district attorneys' offices; and public interest groups.

In recent years, students participating in the field placement program have worked on a wide range of projects, including filing lawsuits for the Center for Biological Diversity to protect endangered plants and animals; researching innovative immigration proposals for the ACLU's Immigrant Rights Project; trying misdemeanor cases for the U.S. Attorney's Office; and advocating on behalf of children for the National Center for Youth Law.



In the Domestic Violence Clinic, I was

able to work closely with a nationally

recognized expert and gain practical

skills working in the field. Witnessing

our clients transform from domestic

violence victims to survivors was

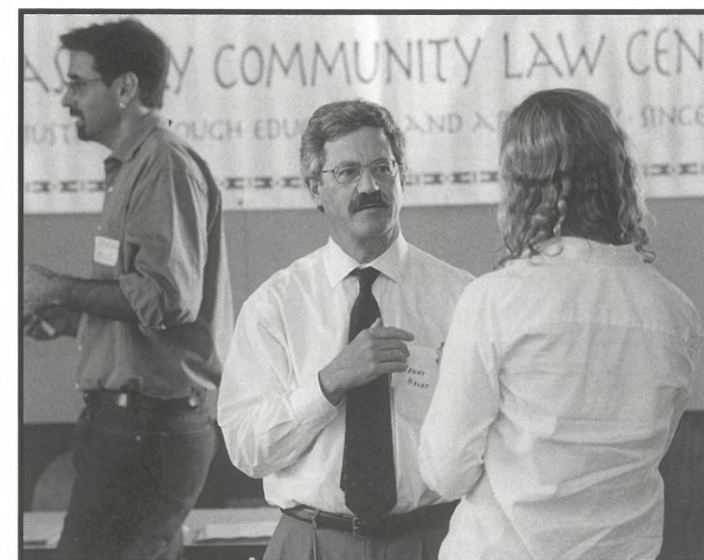
an incredibly rewarding experience.

—Roxanne Hoegger '02

the skills program

My law school education would not have been complete without taking Pretrial Civil Litigation. I took away an assortment of lawyering tools, including litigation strategies, interviewing skills, methods for establishing client relationships and other concrete tactics necessary for success in practice.

—Maria Sanchez '02



Boalt Hall offers a range of courses explicitly designed to introduce students to the practical skills they will need as attorneys. Courses in the Skills Program focus on a variety of professional areas, including pretrial civil and criminal practice; civil and criminal trial advocacy; appellate advocacy; transaction and business practice; and negotiation and mediation. These courses use simulated cases and role-playing exercises to teach students the skills they will use in daily practice.

FIRST-YEAR SKILLS PROGRAM

In the first year, students are introduced to the basic skills they will use every day as attorneys. Students learn how to research, analyze and write about cases, and how to advocate on behalf of clients. The First-Year Skills Program consists of required courses in legal research and writing and written and oral advocacy.

UPPER DIVISION SKILLS PROGRAM

In their second and third years, students may enroll in a variety of electives that teach them to work with clients, negotiate and/or mediate disputes and transactions, and try civil and criminal cases. These intensive, hands-on courses use a combination of lectures, group discussions, simulated cases and role-playing exercises to teach students practical legal skills.

General Skills Courses

In these courses students build on the valuable communication and legal research skills developed in the first year of law school. The basic skills courses include:

- ◆ **Advanced Legal Research**
- ◆ **Client Interviewing**
- ◆ **Drafting Legal Documents for Small Businesses**
- ◆ **Mediation**
- ◆ **Negotiations**
- ◆ **Small-Business Counseling Practicum**

Civil Litigation Skills Courses

Through intensive writing assignments and role-playing exercises, these courses acquaint students with the skills and procedures needed in the pretrial, trial and appellate phases of civil litigation. Students learn about pleadings, written discovery, depositions, motions and oral arguments within a specific area of civil law. The civil litigation skills courses include:

- ◆ **Appellate Advocacy**
- ◆ **Depositions**
- ◆ **Evidence Advocacy**
- ◆ **Pretrial Civil Litigation**
- ◆ **Social Justice: Skills and Practice Issues**
- ◆ **Trial Practice: Civil**

Criminal Litigation Skills Courses

Designed for students interested in criminal practice, these courses acquaint students with the evidentiary rules and practices used in criminal trials. The criminal litigation courses use lectures and simulated cases to teach students how to conduct client interviews, participate in preliminary and pretrial motion hearings, and conduct full trials. The criminal litigation skills courses include:

- ◆ **Evidence Advocacy**
- ◆ **Pretrial Criminal Litigation**
- ◆ **Trial Practice: Criminal**

MOOT COURT PROGRAM

Boalt Hall offers several opportunities for students to build advocacy skills by participating in mock courtroom sessions. Students have their first exposure to courtroom procedures in the advocacy component of the First-Year Skills Program where they prepare a brief and argue a motion in a simulated court. After completing the first-year course, students may enroll in Appellate Advocacy—an advanced appellate simulation course designed to enhance the writing and communication skills needed to litigate appellate cases.

Students also have numerous opportunities to participate in moot court competitions—at both Boalt and other law schools across the country. At Boalt the most important competition is the James Patterson McBaine Honors Moot Court Competition, held annually in the spring semester. Each student prepares a written brief and presents an oral argument for a contemporary case of public importance. Participants take on the role of petitioner or respondent and argue their case before a distinguished panel of judges. Prizes are awarded for best brief and best oral argument.



awards and competitions

Moot court gives you a great opportunity to take the policy, legal theory and case law you've learned in the classroom and apply it in a simulated courtroom situation.

—Nathan Dullum '02



Brian M. Sax Prize for Excellence in Clinical Advocacy

Established in memory of Brian Sax '69, this prestigious award is given annually to a third-year student who has displayed excellence in advocacy and professional judgment in clinical work.

James Patterson McBaine Honors Moot Court Competition

This advanced moot court competition is judged by a distinguished panel of judges who award prizes for the best brief and best oral argument. The McBaine competition is open to second- and third-year students.

Stephen Finney Jamison Award

Established in memory of Stephen Finney Jamison '69, this award is given annually to a third-year student who has demonstrated excellence in scholarship and advocacy.

the faculty

In the Negotiations course, I was able

to see the different ways people went

about solving the same problem.

I learned skills that are immediately

practical and useful no matter what field

of law I ultimately practice.

—Christian Spring '02



Carolyn Patty Blum

*Clinical Professor, and Director,
International Human Rights Law Clinic*

UNIVERSITY OF ARIZONA, B.A. 1971

NORTHEASTERN UNIVERSITY, J.D. 1976

Since she began teaching at Boalt Hall in 1980, Carolyn Patty Blum has directed several immigration and refugee clinics, developed innovative seminars in human rights and refugee law, and spearheaded the effort to create the International Human Rights Law Clinic. Before coming to Boalt, Professor Blum practiced immigration and refugee law, primarily for the nonprofit International Institute in Boston and Oakland, California. She has litigated and consulted on hundreds of asylum cases and served as an immigration team member on the Clinton-Gore Presidential Transition Team.



William H. D. Fernholz '93

Director, Academic Support and Moot Court Programs

CARLETON COLLEGE, B.A. 1989

UC BERKELEY (BOALT HALL), J.D. 1993

After law school, William Fernholz was an associate with the Law Offices of Robert Goldstein, a firm specializing in consumer class actions and Truth-in-Lending Act cases. He then served as a staff attorney for California Indian Legal Services and later became an associate with Rosen, Bien & Asaro—a firm specializing in complex prison conditions class actions, employment discrimination and statutory attorneys' fees. At Boalt he teaches Appellate Advocacy and supervises the McBaine Honors Moot Court Competition and various interscholastic competitions.



Laurel Fletcher

*Acting Clinical Professor, and Associate Director,
International Human Rights Law Clinic*

BRANDEIS UNIVERSITY, B.A. 1986

HARVARD UNIVERSITY, J.D. 1990

Laurel Fletcher practiced in private law firms in the Bay Area, engaging in complex civil litigation and representing plaintiffs in employment discrimination class actions, before joining the Center for Clinical Education to help open the International Human Rights Law Clinic. While in private practice, Professor Fletcher maintained an active human rights pro bono practice. In 1993 she organized a mission focused on rape and gender-based violence to the former Yugoslavia for the International Human Rights Law Group. She also served as a delegate to the Women's Human Rights Caucus at the United Nations Fourth World Conference on Women in Beijing.



clinical and skills programs

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