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### Law School Gifts Keep Giving - Clinical Programs Train Students While Serving the Legal Needs of Ordinary Nevadans

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“...we have our sights clearly set on improving our scholarly reputation as we continue to improve all the features by which an excellent law school is measured.”

# Dean's Column

BY GUEST WRITER BY PROF. MARY BERKHEISER

## LAW SCHOOL GIFTS KEEP GIVING – Clinical Programs Train Students While Serving the Legal Needs of Ordinary Nevadans

Since its inception, the Boyd School of Law has invested substantial resources in its clinical programs and has received generous support from private donors for those programs. With the Thomas and Mack families' gift, the law school created the Thomas & Mack Legal Clinic, which houses six in-house clinics. In those clinics, students represent individuals in administrative and court proceedings under the supervision of clinic faculty, all of whom are licensed attorneys. A second gift, this one from Michael and Sonja Saltman, established the Saltman Center for Conflict Resolution. As the result of a third gift, this one from Steve and Sharon Strasser, the Saltman Center now boasts a mediation clinic in addition to its other offerings. What follows are snapshots of the work of the Strasser Mediation Clinic and of the three newest clinics in the Thomas & Mack Legal Clinic: the appellate, family justice and innocence clinics, which have joined the education, immigration and juvenile justice clinics.

Law students acting as mediators in the **Strasser Mediation Clinic** face the following scenario on a daily basis. Seated around a counsel table in one of the courtrooms at Family Court, clinic students have been working with a couple for three hours. They helped mom and dad find a visitation schedule on which they can both agree and they've helped the soon-to-be ex-spouses divide up all of their debts and their meager remaining assets but they're stuck on mom's request for spousal support. The students decide to meet privately with each spouse and, during these meetings, they use questions to help the parties find common ground. When the students get them back together, the couple agrees on the amount dad will pay mom for a fixed length of time. One of the mediators

makes a call and the room suddenly becomes a court. The clerk appears, along with the court officer, and soon the judge makes her entrance, reads the agreement the student mediators drafted into the record and grants the couple the divorce they were seeking. At that moment, the student mediators experience the true satisfaction of a successful mediation.

Last year in the **appellate clinic**, students creatively litigated a citizenship claim in the United States Court of Appeals for the Ninth Circuit on behalf of a client who was born in Honduras and adopted by a U.S. citizen. When the students got the case, the client had been deported after trying unsuccessfully to prove he was a citizen and entitled to remain here. Clinic students' careful investigation revealed that his mother had in fact filed for citizenship for him when he was a child, that the government had sat on the application for 27 years before denying it and that immigration officials had never disclosed the application to him, despite his persistent claims that he was a citizen. In the Ninth Circuit, clinic students argued that the government deprived him of due process during his deportation proceedings by failing to disclose the long-pending citizenship application, depriving him of a fair opportunity to prove his citizenship. A third-year law student argued the case to a three-judge panel of the Ninth Circuit in San Francisco.

In the **family justice clinic**, students engage in a wide range of complex family law cases that intersect with child welfare, immigration and parental incarceration. These challenging cases provide students with opportunities to develop professionalism and lawyering skills, such as client

interviewing and counseling, oral argument, negotiation, administrative advocacy, motion practice and full-scale litigation. Among other cases, students successfully argued to have an immigrant client's legal paternity established by the Family Court despite adverse DNA test results that excluded him as the child's biological father. In that case, clinic students contended that, despite conflicting statutory presumptions about parentage, the legislative intent was to aid in the creation of families and that the best interest of the child was clearly served by acknowledging parental status for the client instead of an unknown biological father. The students briefed and argued the case with a creative mix of statutory interpretation, policy analysis, legislative history and customary law from West Africa in order to have the client's paternity recognized.

In the 2009 legislative session, students in the **innocence clinic** worked with the Rocky Mountain Innocence Center (RMIC) to introduce legislation that broadened the rights of prisoners in Nevada to challenge their convictions with DNA testing. Prior to the 2009 amendments, Nevada statutes limited post-conviction DNA testing of crime scene evidence to death row inmates. Innocence clinic students helped research and propose legislation that expanded DNA testing to all persons serving sentences for major felonies. They also worked to amend pending legislation requiring state agencies to preserve physical crime scene evidence for the entire length of a prisoner's sentence so that it will be available for DNA testing in the future. These legislative changes improve fairness in the criminal justice system by providing a way to review old convictions in light of new technology, while giving law students unique legislative advocacy experience.

To find out more about the clinical programs highlighted here or about the law school's extensive externship program in which students are placed with judges in government offices or with nonprofit entities, please consult the Boyd School of Law website or call (702) 895-2080. ■

**PROFESSOR MARY BERKHEISER** was a founding member of the faculty of the William S. Boyd School of Law and is the Director of Clinical Studies and the juvenile justice clinic.



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