The Stuart H. Smith Law Clinic and Center for Social Justice moved into its new building in 2011 and enrolled the highest number of law students ever. There were 85 students in the fall and 80 in the spring, not including those in externships, street law, law and poverty, or criminal law courses taught by clinic faculty.

Third year law students handled hundreds of cases for low income people in the greater New Orleans area. During the 2012 - 2013 academic year, the Clinic opened 182 cases and closed 107. At the end of the academic year, 230 cases remained open.

Below are summaries of some of the excellent work performed in different sections of the clinic.

Children’s Right Clinic – Ramona Fernandez

The Children’s Rights Clinic at Loyola was created in August 2011. Since its inception two years ago, we opened 150 cases and closed 79 cases. Students in this section worked on cases such as: Special Immigrant Juvenile, attorney for the child in highly contested custody cases, voluntary transfers of custody, intra-family adoptions avawal and disavowal of paternity cases.

Students working on SIJ cases practice in Juvenile or District court, depending on the circumstances of each particular child. Because all SIJ cases require an immigration attorney as well as the services of an interpreter, clinic students in both the Children’s Rights Clinic and the Immigration Clinic have to work closely together in all aspects of the representation until a judgment from the district court is obtained.

During the past year, Eight (8) law students participated in the program and provided legal support and court representation for many families in need. Those Eight students represented five (6) families with more than one child, with Special Immigrant Juveniles Status cases; eleven (11) cases, where students represented the best interest of the child/children in neglect/abuse cases, 12 custody cases, one (1) grandparent adoption and a limited interdiction of a 17 year old child, among others.
The families served were from diverse backgrounds. We represented children from Egypt, Nicaragua, Honduras, Mexico, El Salvador, Peru and the United States.

In order to give my students a broaden learning experience, the Children’s Rights Clinic has expanded its collaboration to form a partnership with various groups. In addition to collaborating with the Immigration Clinic and the Family Law Clinic, we also collaborated with the Jewish Family Services of Greater New Orleans, the Immigrant Children's Assistance Project, Orleans and Jefferson Parish judges and local areas high schools who seek our advise and refer cases to us.

**Street Law - Ramona G. Fernandez**

I also taught Street Law course both each semester. The purpose of Street Law is to provide legal education to lay persons while also aiding in the professional development of law students. Street Law seeks to provide greater understanding of the law to those outside the legal profession and promote the use of interactive educational methods to develop academic, critical thinking, and civic skills. Law Students, as law teachers to middle and high school students and community members, are an integral part of these efforts.

A total of 64 students participated in the street law program last year. Thirty-two (32) students participated in the fall 2012 and thirty (32) in the spring 2013 semesters. Some of the participating schools and centers in the metropolitan area are were: Edna Karr High School, Lake Area New Tech Early College, McDonough 35 High School, Warren Easton High School, John Clark High School, Jefferson Parish Juvenile Detention Center, Chalmette High, Helen Cox High School, St. Michael Special School, John Martyn Alternative School, Eleanor McMain High School, Belle Chasse High School, West Jefferson High School, L. W. Higgins Senior High School, Battered Women’s Shelters- New Orleans, Poydras Home, Boys Hope Group, Haynes Academy for Advanced Studies and Grace King High School.

Below are some quotes from students' final reflection:

“Thank you so much for this incredible and unique opportunity. I have had the most incredible year of my life thanks to you Professor Fernandez and thanks to this street law program. It has changed my life and prepared me for a better legal future. I would recommend this program for every Loyola law student. Not only is it a beautiful civic opportunity to give back to high school students (as we do go to a Jesuit institution), but it is also an essential way to understand the law. Thank you again!
“Having had the opportunity to take Street Law the fall semester properly prepared me for the spring semester. I was a more valuable teacher to the students and an even more prepared law student for my classes at Loyola. It is undeniable that this course takes a lot of time so it taught me the invaluable lesson of time management, which we all know is a necessity for studying for the bar after graduation”.

“Street Law is a class that I will carry with me for my entire life. It gave me an opportunity to make a true practical difference in peoples’ lives. It gave students an outlet to express their opinions, concerns and suggestions. More importantly, it gave students an opportunity to see law students like Katherine and I and know that they have the ability to achieve the same kind of success”.

Community Justice – Davida Finger

Taught: Professional Seminar: Essential Lawyering Skills through Social Justice Advocacy

Summary: This course is designed to develop essential lawyering skills in a pretrial context. The hallmark of this single semester three credit seminar is work on a social justice project. The project will require: interviewing/oral communication with the client, completing fact investigation and legal research, drafting memoranda on various substantive issues, and strategizing on select advocacy strategies. Students will be evaluated on their work product and on their initiative and diligence on project work. The weekly seminar will elevate topics such as exercising practical judgment, expressing clear opinions to clients, and prioritizing ethical values in the legal profession. This course will build students’ self-awareness about their own lawyering strengths and interests by allowing students to engage with the complex dimensions of legal practice and professional identity. In S13, students partnered with three New Orleans community groups. Project summaries:

* **Women With a Vision**: Good Samaritan laws and naloxone access laws both locally and nationally—legislation drafted as part of this project focused on these subjects and associated laws that are intended to save the lives of overdose victims.

* **V.O.T.E.**: Parole and reforming Louisiana laws to allow parolees to discharge the sentence—legislation drafted as part of this project includes the novel idea that once a parolee serves five years of unrevoked parole, the parolee would able to be unconditionally discharged from their parole.

* **RETHINK**: Food justice issues focusing on how to get fresh, healthy, local food into local schools. This research was used for the group’s final

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1 The Community Justice section of the Law Clinic was not offered in F12 while Davida Finger was on maternity leave. Included here is a summary of Davida Finger’s S13 work. In addition to the information in the summary above, Davida Finger taught six classes of the Law & Poverty course during S13.
Food School Report.

Skills: Taught two skills courses as incubator sessions for the social justice “track” of the Skills program; drafted a proposal for this two year “track” for implementation by the Skills Program.

Faculty Advisor: Served as faculty advisor to the second People’s Law Conference, which included students from Loyola New Orleans College of Law, Tulane Law School, LSU Law School, Univ. of New Orleans, and Southern Univ. Law School. Over 70 students attended the day-long conference and another 70 were tuned in via the live web broadcast. The conference was primarily supported by the Bertha Social Justice Institute at the Center for Constitutional Rights. Many local partners along with the Society of American Law Teachers co-sponsored.

The Conference provided trainings in starting a small, justice-centered private practice; how to collaborate with movements, organizations, and individuals to address small and large-scale injustices and a 101 in social justice organizing, as well as the role lawyers can play in organizing work. The Conference featured a social justice tour of the City of New Orleans, focused on sites related to criminal justice, public housing, healthcare, education, the effects of the flood, and some of the local organizations that advocate for a more just New Orleans.

Served as faculty advisor for Loyola: National Lawyer’s Guild & Public Interest Law Group.

Litigation & Technology - Judson Mitchell

This was the first year of our new Litigation and Technology Clinic. In addition to representing clients in court, students in this clinic design and implement tech-related projects aimed at assisting legal practitioners and increasing access to justice.

At the beginning of the semester, students in this clinic began by representing clients in court, primarily in criminal cases. While learning the skills of being an advocate, they were also asked to consider ways in which technology can improve the practice of law. At the end of the fall semester, each student was required to produce a proposal for a technology project. The proposal had to contain a detailed description of an idea for a project along with a discussion of the technology necessary to bring the project to fruition and specific benchmarks for completion.

The new projects were unveiled on the Clinic's website (http://loyolalawtech.org) at the end of included:
Multiple Bill Calculator - a web-based tool to help Louisiana lawyers quickly calculate minimum and maximum sentences under the state's Habitual Offender Law. [http://loyolalawtech.org/calc](http://loyolalawtech.org/calc)

DocketMinder - an application which monitors changes to the Orleans Criminal Court Docket Master. It allows practitioners to stay informed about the latest activity in their cases. [http://loyolalawtech.org/docketminder](http://loyolalawtech.org/docketminder)

LaCrimBook - an app which aims to replace West's big and expensive handbook of criminal laws with a free, digital alternative. [http://loyolalawtech.org/crimbook](http://loyolalawtech.org/crimbook)

Decision Tree - a web-based tool, made with in cooperation with Louisiana State Bar Association, which helps pro se litigants prepare pleadings and access information related to simple divorces and expungements.

In the upcoming year, we hope to incorporate the lessons learned from the first year to make this Clinic even better. The 2013-2014 Clinic will also include a substantial section devoted to building online law practices and using the web to promote legal services.

**Criminal Defense Section – D. Majeeda Snead**

Professor Snead supervises a criminal defense section of the clinic. Students were assigned several felony cases in Orleans Parish Criminal District Court and two in Orleans Parish Juvenile Court. Throughout the course of the year students are taught the skills needed to handle their cases from the initial appointment through conclusion. Students learn the art of interviewing clients and witnesses, fact investigation, pretrial and trial strategies and procedures.

This year proved to be an exciting and rewarding one for the students as there were many challenges and successes throughout the year. Below are some of our highlights:

Orientation was held on August 17, 2012. A writ was due to be filed in the matter of State v. Ray Boudreaux in the Fourth Circuit Court of Appeal on August 24, 2012. Two courageous students, Emily Ratner and Sara James volunteered to work on the writ and worked tirelessly to learn the case, draft the writ and have it filed timely. Although the writ was denied, the students were ultimately successful in this case. They filed a very extensive application for Post Conviction Relief and after a four day hearing was granted relief on behalf of their client based upon ineffective assistance of counsel. A new trial is currently set for September 9, 2013.

We represented a juvenile wherein we entered into a plea agreement requiring early release if certain conditions were met. Prior to the start of the new academic year, I,
along with co-counsel at Jones Walker, litigated the issues regarding satisfaction of the terms of the plea agreement. Oral argument was originally set for August 30, 2012. Another student who has a passion for juvenile work, Anna Lellelid, learned the facts of the case, reviewed the lengthy transcripts and prepared and delivered an impassionate argument on behalf of the juvenile on October 3, 2012. He was released from detention. The State has filed an appeal in this case.

We also challenged the new law regarding the irrevocability of the waiver of a right to a jury trial. Two students, Emily Posner and Annika Mengisen, were successful in the trial court in having the jury trial reinstated on behalf of their client. Unfortunately, the Fourth Circuit Court of Appeal reversed the ruling of the trial court and the Supreme Court denied writs. The students, however, got experience in both the trial and appellate courts.

The Law Clinic was appointed to represent Lloyd Clark in a multiple bill hearing. We challenged the timeliness of the bill and two students, Emily Posner and Kelly successfully argued the matter. The State sought relief in the appellate court and we filed an opposition. The decision of the trial court was affirmed.

Two students, Nicholas Cressy and Kelly Escobar successfully tried an aggravated battery, home invasion and criminal damage to property case which arose out of a domestic dispute in the matter of State v. Glenda Young. The client was acquitted on all charges.

The Law Clinic also agreed to represent 3 of the 280+ cases of juveniles who were tried as adults and are currently serving a life sentences in Louisiana. In response to the ruling of the United States Supreme Court in Miller v. Alabama wherein the court ruled that a mandatory life sentence for juveniles convicted of homicide was unconstitutional. In two of the cases, the students filed Motions to Correct an Illegal Sentence. The matters have been stayed awaiting a decision in another case from the Louisiana Supreme Court regarding the retroactivity of the Miller decision. In preparation for the filing and litigation of this issue one student and I participated in a Miller Training in Atlanta, GA sponsored by the Equal Justice Institute.

In addition to her duties of supervising students, Professor Snead was a trainer at the Annual Public Defender Training from September 10– 15, 2012. She also was a panelist on the Criminal Justice Panel at a CLE sponsored by the Martinet Society on December 4, 2012.

Professor Snead is the law school’s appointee on the Louisiana Public Defender Board.
Criminal Defense – Stephen Singer

The primary focus of this clinic section is on indigent people charged with serious felony criminal offenses primarily in Orleans Criminal District Court and occasionally in surrounding parishes. In the past, clinic students have also handled appeals including oral arguments in the Louisiana intermediate appellate courts as well as the Louisiana Supreme Court. Clinic students have also handled particularly serious juvenile cases, usually homicides, in the Orleans Juvenile Court. Clinic students in this section are given direct and primary responsibility for handling all aspects of the representation including all communications with clients, including meeting with clients in jail, case investigation including locating and interviewing witnesses, as well as all court appearances from bail hearings through evidentiary motions hearings as well as felony jury and bench trials. Students handle on average three to six cases during the course of the year depending on the seriousness and complexity of the case and the length of time it takes to resolve the case as well as their involvement in other “special litigation” projects. Depending on the size and complexity of the case, some are handled by one student alone working with the supervising professor, while others are assigned to teams of students working in pairs. Students are usually assigned a mix of solo and team assignments so that they experience both sole responsibility for an entire case as well as having to work in a team setting with another student attorney. Students are also required to assist on each other’s cases in order to conduct investigation including interviewing witnesses and taking witness statements, photographing and documenting crime scenes, and the like.

Family Law Section – Cheryl Buchert

The Family Law Section supervised by Clinical Professor Cheryl P. Buchert had ten student practitioners in both the Fall 2012 and Spring 2013 semesters. The section had a case load of 49 cases during the 2012 - 2013 school year. We closed 34 cases and still have 15 cases that are currently open for the new Fall 2013 clinic students to continue working on. The type of cases this past school year included: paternity, custody (parent, grandparent, and non-parent), child support, divorce, community property, attorney for the child, curator, and wills and powers of attorney. The ten student practitioners practiced in three different parishes and four different courts: Orleans Parish Civil District Court (CDC), 24th Judicial District Court for the Parish of Jefferson, Jefferson Parish Juvenile Court, and 34th Judicial District Court for the Parish of St. Bernard. We had a total of 37 court appearances, 13 in the Fall and 24 in the Spring.
The student practitioners attended weekly workshops and interviewed and counseled clients, prepared and filed pleadings in court including memos of law, conducted legal research, negotiated with opposing attorneys, and appeared in court for hearings and trials to argue before judges and examine and cross-examine witnesses. Class time included professor lectures, case rounds, guest speakers, including Karen Houghtaling, a custody evaluator and mediator; Vanessa Douglas, a diversity and cross-cultural lawyer expert; Tiffany Boveland, a child custody expert and former clinic student; and interview skills training with Professor Christine Cerniglia. Future plans include collaborating with Southeast Louisiana Legal Services next semester in the Family and Divorce Mediation Pilot Program.

Family law student practitioner, Betty Maury, was the recipient of the 2013 Association of Women Attorneys Family Law Award from Loyola University New Orleans College of Law Family Law Section of the Stuart H. Smith Law Clinic and Center for Social Justice. Betty logged over 576 hours while representing clients in custody, divorce, property, and abuse cases for two semesters during 2012 and 2013. She also drafted and assisted in executing a Last Will and Testament, Living Will, Durable Power of Attorney, and Power of Attorney for Medical Decisions for an elderly client in her 90's. In Betty's biggest case, she was first chair attorney in a non-parent child custody and competency case in the 24th Judicial District Court for the Parish of Jefferson with a total of seven attorneys that went to trial. During the trial, Betty presented a color-coded family tree poster sized chart as demonstrative evidence that she created. The case posed troublesome procedural and substantive issues and Betty was successful in convincing the Court that an interdiction proceeding was unnecessary through her argument and Legal Memorandum filed in Court. Furthermore, Betty obtained a letter from a treating physician regarding the opposing party's competency and prepared for six witnesses who all testified at trial. Ultimately, Betty and her co-counsel, Nadia Hall, another family law student practitioner, obtained sole legal custody of the minor child for their non-parent clients. Betty and Nadia were able to overcome the high burden of proving that joint or sole custody to either parent would result in substantial harm to the child, as per La. Civil Code article 133.

**Immigration Section: Hiroko Kusuda**

The Immigration Section clinic students represented their clients before the Department of Justice Immigration Court, U.S. Citizenship and Immigration Services and U.S. Immigration and Customs Enforcement as well as the federal circuit court of appeals.
They filed motions and briefs with the Board of Immigration Appeals and petitions for review, motions and briefs with federal circuit court of appeals. During this period, Professor Kusuda and her students made 41 federal and state court appearances and CIS interviews and appointments and conducted 120 in-person and telephonic consultations. The Immigration Section also visited detained clients at Oakdale Federal Detention Center in Oakdale and South Louisiana Correctional Center in Basile, Louisiana. During this period, the Section had an average of 65 open cases involving clients who are victims of serious crimes and human trafficking, fled from persecution, survivors of torture, unaccompanied children, lawful permanent residents with criminal convictions, and long-term U.S. residents.

The Section conducted the monthly Know Your Rights legal orientation program at Tensas Parish Detention Center in Waterproof. Clinic students participated in the Know Your Rights program at least once in a semester and interviewed the indigent detainees. In this period, the Section conducted twelve programs, and provided general information and individual interviews to 525 detainees. The Section has received 5 to 10 phone calls daily from individuals and family and friends of individuals facing immigration problems during this period. Professor Kusuda also offered mentoring to over a dozen local private and non-profit immigration bar members. The Section students also traveled to Mississippi and interviewed immigrant workers who were subjected to severe abuse by the management to determine whether they are eligible for a visa (“U” visa) in collaboration with National Employment Law Project.

During this period, the Section represented clients from Honduras, Mexico, India, Cuba, El Salvador, Eritrea, Ethiopia, Peru, Haiti, United Kingdom, Vietnam, Guatemala, Japan, Jordan, Republic of Congo, Saudi Arabia, Sri Lanka and Germany. The Section students worked in the following types of cases: U and T visas, Voluntary Departure, Asylum, Withholding of Removal, UN Convention Against Torture, Special Immigrant Juvenile Status, Adjustment of Status, Cancellation of Removal, Motion to Suppress Evidence, Motion to Reconsider and Reopen, Prosecutorial Discretion, and Post-Conviction Relief. The Section continues to litigate a petition for review at the Ninth Circuit Court of Appeals for its client from Honduras who is seeking asylum, withholding of removal and relief under the UN Convention Against Torture.

The Section successes include: U visas for victims of domestic violence, Special Immigrant Juvenile status for unaccompanied minors, and approval of removal of conditions on lawful permanent resident status, winning a motion to suppress evidence for a worker who was arrested by ICE at a large-scale worksite raid and for a victim of Border Patrol abuse, and withholding of removal for Honduran client who was a victim of domestic violence. The Section also won an appeal from the Board of Immigration
Appeals which held that the immigration judge had erred in denying a continuance despite the existence of a good cause and ordering the client removed without the determination of removability.


Professor Kusuda also conducted the following local seminars: “Engaging Immigrant Families in Foster Care and Immigration Relief for Survivors” for Jefferson Parish CASA, “Overview of Comprehensive Immigration Reform on Humanitarian Issues” for New Orleans Bar Association, “Deferred Action for Childhood Arrivals” (DACA) for the local organizations including Catholic Charities Archdiocese of New Orleans, Puentes New Orleans, La Semilia. She also presented on DACA for the immigrant communities in Hattiesburg and Laurel, Mississippi.

Professor Kusuda served on the Human Trafficking Conference Steering Committee and the Jesuit Social Research Institute’s Faculty/Staff Advisory Committee.

Section students also engaged in the administrative advocacy at the liaison meetings with federal government agencies including U.S. Citizenship Immigration Services, Immigration

**Prosecution Bill Quigley**

There were 6 clinic students in the Orleans Parish District Attorney’s Office and 10 in the Jefferson Parish District Attorney’s Office in the 2012 - 2013 academic year. The following are selections from End of Semester Reflections by Prosecution Clinic Students:

Getting to conduct my first trial and winning it! That in itself is the reason to do clinic. How many of my colleagues in my law school class can say that they have done a real trial in front of a real judge? Not many. And not many who are also on Law Review and Moot Court. Too bad employers don’t seem to see it that way..

I really enjoyed speaking on the record and examining the witness. But I also really liked responding to motions. I feel like the defense attorneys suspected that the ADAs just would not have the time or knowledge to oppose their motions. But they did not count on me having special knowledge
I conducted a motion hearing within three weeks of arriving at Orleans Parish. Probable cause was found and motions to suppress evidence and statement were denied. I was given feedback by my supervisor which I took to heart in my next hearing. In that hearing I had to come up with an off the cuff rebuttal to the defenses final argument. Again, probable cause was found and motions to suppress were denied. Also, when a motion was made on a matter of law I felt I knew (severance), I asked if I could help with the response. My memo to the ADA was essentially copied and pasted into her motion.

Preparation pays off. Know things in and out before you rely on the preparation. I can accomplish anything by asking for help and trying my hardest until things make sense.

- I learned to look at situations from all angles, and not just the angle of the prosecutor. I’m beginning to see the power that can be yielded if I am able to look at a defendant as a person, and try to see things from that person’s point of view, rather than as a criminal. I think that by seeing things this way, I will be a better prosecutor because I will have a more well-rounded view of the case. I can see the difference between the good ADA’s and the really good ADA’s and a lot of it is knowing when to push an issue, and when to let it slide because of outside circumstances. I guess I could say I learned to have compassion for the defendants and that having that compassion is a strength that can lead to more effective prosecution and crime prevention in general.

I have learned more from my clinic experience than I have in any other part of law school. It’s too bad that clinic is not a requirement for everyone because we would all be so much better prepared for the real world.

When I started this journey I was worried about two things: did I have the confidence of a prosecutor and could I handle being someone who will have to put people in jail? I can honestly say that the answers to those questions are ‘yes.’ When I first started I was still battling my shyness, but being able to argue in front of a judge truly showed me that I have the ability to go up against any defense attorney. Likewise I have learned that while I will one day responsible for putting individuals away, I too have the power to be a socially conscious prosecutor who is also working to change the larger complex issues that pervade the criminal justice system.

**Workplace Justice Project– Luz Molina**

The Workplace Justice Project during the 2012-2013 academic year rendered legal services to 322 workers, wrote 51 letters seeking $179,896.57 in unpaid wages and opened 28 cases for litigation through its Wage Claim Clinic. As noted in previous
reports, the Project operates on the premise that legal changes in the workplace are possible for immigrant and low wage workers who suffer workplace abuse. The approach to issues faced by immigrant and low wage workers includes the education of workers and the community regarding existing rights, litigation of wage claims, and fomenting appropriate changes in the law and cultural environment which permit, and/or promote abuse.

The structure of the Project and its intake section, the Wage Claim Clinic, is designed to maximize the learning opportunities afforded to student practitioners. This year it included additional activities devised to develop leadership skills and a better understanding of social justice in action. Generally, student practitioners developed a greater understanding of legal strategic thinking in the context of low wage workers in the areas on wage and hour law, discrimination under Title VII, labor liens in the construction industry, collection of unpaid wages and the effect of bankruptcy on workers’ claims. Student practitioners drafted complex petitions, complaints, and discovery, anticipated motions, prepared for trial, engaged in negotiation, tried cases and explored collection options post-judgment. Moreover, students were exposed to the challenges posed by the representation of non-English speaking clients, affording the opportunity to learn skills unique to cultural competency and advocacy in that context. In one particular case, a student practitioner won a judgment awarding a substantial amount of unpaid wages to a worker; the defendant, paid the full judgment within two weeks.

The Wage Claim Clinic also provided students an opportunity to develop experience in office management, and skills in legal analysis in the context of litigation, namely, understanding and applying analytical skills to determine whether a matter should be accepted for litigation in light of all known facts and a critical review of applicable legal standards.

Student practitioners participated in discussions regarding the impact of Louisiana and federal workplace laws and policies on immigrant and low wage workers and used such information to understand the context, limits and possibilities inherent in their legal representation of workers.

On August 31, 2013, the Project will finish its first year of a three year grant from Baptist Community Ministries, and will start a new year with an additional grant from the Louisiana Bar Foundation. The expanded opportunities available to student
practitioners, and our clients, have been possible through these grants which support a full time Wage Claim Clinic administrator, a full time policy advocate, a full time staff attorney, and a part time community education coordinator. This staff is managed by the Project’s clinical professor.

(She did not submit and update)

**Skills and Externs – Christine Cerniglia**

In May 2012, Christine Cerniglia joined the clinic faculty to teach and supervise the new Office of Skills and Experiential Learning. In the brief time she has been with the clinic she has reviewed the existing program, recruited new teachers, worked to make more offerings interactive, and made numerous substantive and administrative changes to the program. Changes include: developing two types of skills classes – Lecture Series and Practicum series; standardizing credits for skills; adopting local rules to clarify rules and expectations for students and faculty; eliminating the old categories and focusing more on skill development; and separating academic courses and skills on transcripts. Many more changes are coming but we are excited about having Christine with us. Christine will also be the faculty person in charge of teaching the externship program. She is looking into expansion of the program both in terms of placements and to cover summer sessions.