

## EJINK

ECONOMIC JUSTICE INSTITUTE

FALL 2014



IJC Fundraiser: Back Row Left to Right: Lola Bovell, Amber Raffet, Laura Graham, Samuel Wegleitner, Richard Manthe, Nicholas Coenen, Chris Russell, Caitlin Fish. Middle Row Left to Right: Liz Bradley, Kate Finley, Aissa Olivarez, Scott Freedenberg, Liana Kapelke-Dale, Loredana Valtierra, Gabriela Parra, Tatiana Shiraski. Center Left to Right: Erin Barbato and Stacy Taeuber.

## Update from the Immigration Justice Clinic

As the Immigrant Justice Clinic enters its third and final year of grant funding, the search is on to secure future support. In response to the news that the clinic may not continue, the UW Law School's Latino Law Student Association organized and hosted a cocktail reception fundraiser to show support for the Immigrant Justice Clinic. The event was held on October 8 and featured guest speaker Juan Cartagena, president and general counsel of LatinoJustice PRLDEF, in New York. Over 100 people attended, including more than twenty IJC students and alumni as well as two Wisconsin Supreme Court justices. The event raised more than \$12,000 for the IJC.

The IJC began in 2012 with a three year grant from the Ira and Ineva Reilly Baldwin Wisconsin Idea fund. It has been a tremendous asset to the Law School and the community. We hope that the legal community will support continuation of this important clinical program.

## EJI Director's Welcome

Whenever I sit down to write these columns, I struggle with the tone of my introduction. Shall I be upbeat and positive (very easy to do when I am writing about some of the great accomplishments highlighted in this newsletter), or somber because I want to share with you some of the challenges that we face in our work? I almost always choose the upbeat approach because that is the easiest. But today I want to address a challenge. The challenge is keeping our Immigrant Justice Clinic up and running so that many more law students have the opportunity to engage in experiential learning while providing a critical service to our community.

As you read this newsletter, please take a moment to absorb the lessons that Chris Russell learned in his first removal defense case as a student in the IJC. Read about the wonderful efforts that the Latino Law Students Association (LLSA) made to plan and carry-out a successful fundraiser to support the IJC. Also read about the

recent award bestowed upon the IJC by the Chancellor's Office the 2014 UW-Madison Community-University Partnership Award for its partnership with the Community Immigration Law Center. The award is given annually to campus and community partners working together to address critical public issues.

These are tremendous accomplishments by the students, by the Clinic Director, Stacy Taeuber, and supported by the U.W. Law School. However, the IJC's beginning was the result of grant funding and now the grant funding is winding down. In an economy where overall university funding is decreasing, there simply are no funds available that can sustain the program.

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## A Reflection of My Time in the Economic Justice Institute

As I enter into my sixth month as a clinical law student at the Immigrant Justice Clinic, I can now attest to the significance of a “law in action” education. Wisconsin Law School’s continued national recognition as a leader in clinical education is due in no small part to student opportunities provided by the Economic Justice Institute (EJI). The EJI embodies the “law in action” approach – the idea that we look beyond the plain application of the law to understand both its development in addressing societal challenges and its real world implications for different segments of society – while also extending legal access to underrepresented, low-income groups who encounter barriers to recourse.

I realized that the IJC was the place for me during my 1L year. At that time, I was accustomed to reading as many as 10 case excerpts for a single 45 minute class. Unsurprisingly, given the need to digest hundreds of pages on any given day, students can gloss over the real people in those cases. For better or worse, it was hard for more me to disconnect from the compelling stories of defendants, petitioners and appellants. Certain cases resonated with me on a personal level because I related with an individual’s story, yet little was mentioned about the role of advocacy.

At the EJI’s Immigrant Justice Clinic, I now know that my passion for a client’s story matters. Indeed, a client’s background is an important element in representation. Earlier this summer, I learned this lesson while working on my first removal defense case.

Our client was a young Mexican American from northeastern Wisconsin who was detained by Immigration and Customs Enforcement after being convicted of a burglary offense. Because the term of his sentence was greater than or equal 365 days, his conviction was

considered an “aggravated felony” under federal immigration law. And despite the fact that this was his first significant criminal violation, the aggravated felony classification became a very serious matter. Under immigration law, it can trigger deportation, bar certain forms of relief, and render a legal resident permanently inadmissible from the United States.

In our effort to defend our client from those very harsh consequences, we pursued post-conviction relief. We sought to ameliorate the burglary sentence by urging the state court to modify its prior sentence. To do so, we had to demonstrate that a “new factor” not considered at the time of the initial sentencing now warranted modification.

To support this argument, we told the story of our client. We explained how our client happened to be born in Mexico while his mother, a long-time resident of the U.S., was there visiting family when she prematurely went into labor. She brought him back to the U.S. with her when he was just one month old. His older and younger siblings are both U.S. citizens. We discussed the court’s intent at sentencing to allow our client to rehabilitate himself and how that opportunity was now jeopardized by deportation. And we emphasized the disproportionately harsh consequences. One young adult’s mistake should not require his deportation to a country he has never known.

I learned a lot from the case. It sharpened my brief-writing skills and knowledge of both state criminal procedure and federal immigration law. It afforded real life oral advocacy experience and gave me a sense of what to expect, or not to expect, when dealing with opposing counsel. Above all, the case reassured me about my legal education and my expectations upon graduation. My first case at the EJI’s Immigrant Justice Clinic was

not just about learning the law, it was about understanding and helping a real person in a very serious predicament. It was about representing my client, a young adult who needed only someone to listen to his story and give it a voice.

-David Russell, 2L

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## Director’s Welcome

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That is where you come in.

You all are reading this newsletter either because you are a CPR/EJI alum, Law School faculty, community partner, interested citizen, or just find reading our newsletter worthwhile. Whatever your reason, we appreciate your interest and your support. Right now, however, we would really appreciate your financial support. Whatever the level of contribution - \$10, \$100, \$1000, or more, your financial support is needed now more than ever. Please consider donating to EJI. Your contribution allows us to continue our high-quality educational endeavors that are truly making a difference to our graduates as well as helping the most vulnerable in our community. Please visit us on-line at [law.wisc.edu/eji/giving.html](http://law.wisc.edu/eji/giving.html) to make a contribution. Or, consider asking your employer to make a matching contribution as many businesses offer this option to their employees. Whatever you can do we thank you.

-Marsha Mansfield  
Director, Economic Justice  
Institute

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(Marsha M. Mansfield, Director)

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For more information: [law.wisc.edu/eji](http://law.wisc.edu/eji)





Donna Erez-Navot, Director, Mediation Clinic

## UW Law's Mediation Clinic, Making Moves in Walworth County

This past spring, the University of Wisconsin Law School Mediation Clinic partnered with the Walworth County Circuit Court to provide litigants a chance to mediate and subsequently settle their case prior to their trial date. Judge Phillip Koss presides over the civil branch of the Walworth County Circuit Court and also teaches a trial advocacy course here at UW Law School. He spoke with Professor Erez-Navot, explaining that Walworth's small claims calendar had become backlogged and that he was interested in using the clinic to aid in the expediency of handling the increased number of cases being filed. A meeting soon transpired which included the County Clerk of the Circuit Court, the County Deputy Clerk of Courts, the Circuit Court Commissioner, President of the Walworth County Bar Association as well as both Professor Erez-Navot and Judge Koss. The stakeholders discussed what a mediation program could offer Walworth County as well as the clinic's student mediators. During the next judges meeting, the judges from all four branches approved the mediation program.

Mediation offers all the parties involved in a dispute an opportunity to communicate with one another and discuss concerns that may affect them on a personal level. Students of the clinic undergo

basic mediation training and then mediate Walworth County small claims cases under the supervision of Professor Erez-Navot. It is a mediator's primary goal to facilitate communication between parties so that the parties have the opportunity to settle their case on their own terms. Unlike a traditional trial where parties can only address the court, parties in mediation can use their creativity to come up with whatever settlement that they would like provided that they both agree to its terms. Once the court commissioner signs off on the agreement, it becomes an agreement between the parties and their case is dismissed.

Walworth's Small Claims County Deputy Clerk of Court Jennie Thompson explains, "this is truly a relationship that benefits everyone involved. Walworth County not only saves [valuable court resources], but makes the most of the court's time. In turn, the parties get assistance from individuals trained in dispute resolution, in a less formal setting than a courtroom, and the mediators have the opportunity of working with real people, involved in very real, and sometimes personal, disputes." Students who have participated in the mediation program also speak very highly of their experiences, explaining that mediating real disputes provides

experience that no course or simulation can offer. Student mediators encounter a plethora of small claims cases; everything from disputes between landlords, and tenants to disputes involving tractor repairs and relationship break-ups requiring a return of property. Professor Erez-Navot points out that because nearly all cases can be mediated, the wide array of cases submitted to mediation allows her students to recognize this truth for themselves.

It is the hope of both the Mediation Clinic and Walworth County that this partnership continues to grow and offer all those involved the mutual benefit of providing an alternative to the traditional adversarial approach to settling disputes. The mediation clinic would like to thank all those involved as we are excited with the continued prospect of helping the Walworth County Circuit Court and the opportunity to provide an alternative for parties to discuss their disputes and potentially settle on favorable terms.

-Joshua Florian (3L) and  
Donna Erez-Navot



## Neighborhood Law Clinic Goes Behind Bars to Expand Community Outreach

This year the Neighborhood Law Clinic once again welcomes into its service a fresh group of law students, and with them came a new array of ideas, ambitions, and enthusiasm. Despite the constant influx of new clients, each with their unique tenancy and employment issues, the students at the Neighborhood Law Clinic still managed to find a new, perhaps unlikely, place to extend their services—at the Dane County Jail.

Working in conjunction with Madison Area Urban Ministries, the Neighborhood Law Clinic began work on a project titled “Ready to Rent” – a general introduction to rental housing geared toward those who are soon to be released from custody.

Finding rental housing in Madison’s aggressive market is a difficult process for anyone, and those with a conviction history have an especially hard time. In addition to having a criminal record, many inmates have little experience not just with rental housing in the Madison area, but also with the tough job of budgeting for an apartment—a uniquely problematic task considering that many of those recently released are also unemployed.

“Ready to Rent” tries to address those issues, as well as educate inmates in general landlord/tenant law. The program, which takes place over several weeks, includes topics such as budgeting, filling out a rental application, liability for damages, security deposits, and discrimination. At the end of the final session, frequent attendees are given a certificate of completion—a useful tool for those trying to show their reliability to a potential landlord.

The law students also find the program to be an enriching opportunity. Lecturing provides the students with a chance to show their knowledge of the law, refresh their memory on important issues,

and perhaps discover areas of the law that they didn’t know so well—all in addition to the feeling that they’re genuinely improving the community as a whole.

The Neighborhood Law Clinic—through its landlord/tenant and employment law services—has always provided law students with an exceptional opportunity to develop their skills, and “Ready to Rent” allows students to grow not just as attorneys, but as engaged citizens.



Attorney Mitch at the Clinics Fair at UW Law School.

## EJI Fund Raiser

On October 30, the Hawks Quindel, S.C. and von Briesen & Roper, S.C. law firms sponsored a fundraiser for EJI and for the Worker’s Rights Center. A big thank you to David Zoeller, a shareholder at Hawks Quindel and a member of the EJI Board, and Kelly Noyes, a shareholder at von Briesen & Roper, also an EJI Board member who were instrumental in helping to plan the event and solicit sponsorships from their firms. It was great to see many of our EJI Board members and members of the legal community, including recent EJI alums at the event, which raised over \$1,000, for EJI, Inc. We are very grateful for the support of these firms and the wonderful people who joined us at the event.



Immigrant Justice Clinic Students:  
Back L to R: Nicholas Coenen, Chris Russell and Caitlin Fish  
Front L to R: Liana Kapelke-Dale, Aissa Olivarez and Loredana Valtierra



View of the Dane County Courthouse facade.





Left to Right: Stacy Taeuber, Mitch, Sarah Orr, Marsha Mansfield and Donna Erez Navot.

## EJI Faculty Updates

### Marsha Mansfield, Family Court Clinic

- Presented at the New Legal Realism Conference at U.C., Irvine, on August 30 about “Teaching an Interdisciplinary Law Class.”
- Presented at the Midwest Clinical Conference in East Lansing, Michigan on October 10 about “Unbundling & Law School Clinics,” with Sarah Orr of the Consumer Law Clinic.
- Presented at the Law & Society Retreat on October 25 about her paper, “Litigants Without Lawyers.”
- Coauthored an article with Stacy Taeuber for the online Clearinghouse Review titled “Law School Clinic Gets Creative to Assist Immigrant Children.” <http://povertylaw.org/communication/advocacy-stories/mansfield>

### Mitch, Neighborhood Law Clinic

- Presented at the Law & Society Retreat on October 25 about his research on evictions in Wisconsin. Mitch was quoted in both the New York Times and CNN ([http://money.cnn.com/2014/10/29/real\\_estate/evicted/](http://money.cnn.com/2014/10/29/real_estate/evicted/)) about his research.

### Sarah Orr, Consumer Law Clinic

- Presented at the Midwest Clinical Conference in East Lansing, Michigan on October 10 about “Unbundling & Law School Clinics,” with Marsha Mansfield of the Family Court Clinic.

### Stacy Taeuber, Immigrant Justice Clinic

- Presented at the Wisconsin Law Review Symposium Beyond the Sentence: Collateral Consequences of Conviction on October 3, 2014. The presentation was titled: “Immigration Consequences of Crime: The (unfulfilled) promise of Padilla in Wisconsin.”
- Coauthored an article with Marsha Mansfield for the online Clearinghouse Review titled “Law School Clinic Gets Creative to Assist Immigrant Children.”

- The Immigrant Justice Clinic was awarded a 2014 UW-Madison Community-University Partnership Award for its partnership with the Community Immigration Law Center. The award is given annually to campus and community partners working together to address critical public issues.

### Donna Erez Navot, Mediation Clinic

- Presented “The Repeat Player Effect and Other Wicked Phenomenon in Court Annexed Mediation,” at the Cardozo Journal of Conflict Resolution Symposium. Held in November at New York’s Cardozo Law School, the Symposium was titled “Is Mediation a Sleeping Beauty?”
- Donna Erez Navot’s article, “Tools for the Clinical Professor: Applying Group Development Theory to Collaborative Learning in Law School Mediation Clinics,” appears in the Fall 2014 issue of the American Arbitration Association’s Journal of Dispute Resolution. <http://law.wisc.edu/profiles/pubs.php?iEmployeeID=597>

## Preliminary Hearing

“Objection, your honor!” My first real objection in the courtroom came as a third-year law student. It had mixed results.

It started out like the first time I beat my older sibling at a game of chess—that first time I got to look my opponent in the eye and say, “checkmate.” You go over the game-winning move in your head 400 times before you move the piece because you want to be sure. You’re nervous about finally beating someone and you’re nervous you may be painfully wrong about it all. You’re nervous your opponent will point out an obvious move that you didn’t see, and you’ll have to sink back into your hole and recant the checkmate.

I was representing an elderly woman who brought her car into a repair shop because she believed her car had a bad radiator. She dropped her car off at the shop one afternoon and was expecting a call from an employee of the shop to tell her how much it would cost to repair. Instead, the our client was told that her only mode of transportation was being held hostage by the shop owner until the woman agreed to pay a delinquent bill incurred by her adult son months ago. Our client, the clinic, and the law of Wisconsin agreed that she should not be liable for a bill incurred by her adult son who was in his mid-30s.

The only person who seemed to think it was alright to charge an elderly woman for work done on another person’s car was the shop owner. The owner refused to return our client’s vehicle without payment, and this is what brought me to trial that day. While opposing counsel was grilling our witness about the ins and outs of auto body repair work—a field in which she obviously wasn’t schooled,

I decided it was high time to nip this line of technical interrogation in the bud.

“Objection, your honor. The witness isn’t an expert. Anything she says would be mere speculation,” I said. Checkmate.

The judge replied: “Well...sustained. But not because of the reason you gave, counsel.”

My first objection was sustained! OK, so it was too soon for me to start singing, ‘We Are the Champions,’ but it was now permissible to hum it. It wasn’t perfect, but it also wasn’t imperfect. What I learned in that instant was more than I could have learned in 50 hours of learning in a classroom setting. You just can’t teach a live courtroom experience.

Participating in the Consumer Law Clinic at the University of Wisconsin Law School is the single best experience I’ve had during law school. The Consumer Law Clinic began in 1991, and over the years has become a complex and stimulating learning environment—where students work under a supervising attorney to provide assistance in an assortment of consumer issues. The clinic has protected consumers against misrepresentation and fraud, credit scams, predatory lending, unfair debt collection, and more. Students also staff a free, drop-in legal clinic for homeowners facing foreclosure and others who are in the small claims court process.

Even taking into account all the services the Consumer Law Clinic provides for the community, fortuitous circumstances brought me, a third-year law student, to stand in front of the court that day. It’s true, the Supreme Court of Wisconsin allows third-year law students to make appearances before a tribunal under the direct supervision of an attorney. However, a majority of civil cases settle before trial. And because the rest of the students working in the clinic had not reached their third year of law school yet,

I was nominated as the student to stand before the court.

But the Consumer Law Clinic experience does not begin in the courthouse; it begins much earlier. Clinical law students are trained and supervised in every aspect of the litigation process. First, law students interview potential clients. Then, they investigate the facts and the law and determine the client’s options for solving the problem. If the clinic accepts a client, we attempt to settle the matter amicably before litigation. If that is unsuccessful, students file a complaint, conduct discovery, file applicable motions, negotiate settlements, and attend all hearings and conferences. The litigation experience may culminate in a trial.

Regardless how useful the courtroom experience was in my development, the behind-the-scenes pretrial work is the meat of the clinic. Students have an opportunity to meet personally with a supervising attorney at least once per week to discuss improvements and methods of practice. I am responsible for managing my own workflow and meeting deadlines. It is a rewarding experience primarily because it aims to and accomplishes the task of simulating an actual law firm—and for all purposes, the clinic is a law firm to its clients.

And this is where the clinic sets itself apart. When you speak of leaving law school with experience, a clinic truly offers law students a realistic experience in practicing law. No doubt, any transition from school to employment will be rocky at times, but the Consumer Law Clinic works to take an edge off that transition.

The next time I make an objection in court, it won’t be the first time.

-Alex Hairston (3L)





Family Court Clinic Students answering questions and talking to interested students.

## EJI Recognizes Wisconsin's "Up and Coming Lawyers"

Recently the Wisconsin Law Journal recognized 26 of Wisconsin's best "up and coming lawyers." Three of those honored are EJI alums who graduated in 2007. EJI congratulates Rebecca Scheller, Assistant Dean for Admissions and Financial Aid at the U.W. Law School, Kelly Noyes, a shareholder with von Briesen & Roper, S.C., and April Groth Hartman, of Legal Action of Wisconsin, Inc.

Rebecca has brought creativity and determination to her work as chief recruiter for the U.W. Law School, making changes and innovations to better reach potential students. Kelly has garnered a reputation as an effective litigator, with her attention to detail and ability to parse through dense documents to make cogent arguments that bring her clients success. She also has been a leader on the EJI Board since she joined a few years ago. April has garnered a nationwide reputation for her work as an advocate for the poor and elderly through LAW's SeniorLaw Project. She has four published Court of Appeals decisions and was recently quoted in the New York Times, discussing the impact of "nuisance property" ordinances.

We are proud that our graduates are recognized for their excellence in the law and pleased that their talents have been publicly recognized. Congratulations Rebecca, Kelly, and April!

## Law in Action-The Family Court Clinic's Child Support Outreach Initiative

One of the best aspects of working with law students is observing their willingness to participate in projects outside of normal business hours that benefit our community. A perfect example of these efforts occurred on Saturday October 18, when three students from the Family Court Clinic, Miriam Eniolorunda, Fiona Frimpong, and Julia Wells, participated in the Child Support Community Access Day at the Urban League in Madison. They, along with members of the Dane County Child Support Enforcement Office, case managers, and staff from the YWCA and Children First Program, provided child support help as well as employment and skill development options.

The purpose of the event was to provide child support services in a safe, community setting to parents who may feel uncomfortable with coming to the court house or the child support agency. The goal of the Child Support Office was to take some sort of action on each case. Efforts were made to reach out to non-custodial parents who were at risk of arrest for non-payment of child support, license suspensions, and other enforcement actions, as well as parents, both custodial and non-custodial, who are unable to get to the child support agency during work hours.

The event drew many people to the Urban League. The three students spend over three hours, answering questions, providing information and assisting people with completing the necessary forms to change or otherwise address their child support obligations. They helped 15 individuals with their child support matters.

Overall this was a tremendously successful event for both the attendees and the service providers. The students' efforts were deeply appreciated and they, in turn, had the opportunity to see the difference that their knowledge and skills could make in the lives of those involved in the child support system. We hope to participate in these events in the future.

-Marsha Mansfield, Director  
Family Court Clinic



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