



ST. MARY'S  
UNIVERSITY

St. Mary's Law Journal

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Volume 46 | Number 3

Article 1

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1-1-2015

## A History of the Law Clinics at St. Mary's University School of Law.

Sue Bentch

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### Recommended Citation

Sue Bentch, *A History of the Law Clinics at St. Mary's University School of Law.*, 46 ST. MARY'S L.J. (2015). Available at: <https://commons.stmarytx.edu/thestmaryslawjournal/vol46/iss3/1>

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## ARTICLE

# A HISTORY OF THE LAW CLINICS AT ST. MARY'S UNIVERSITY SCHOOL OF LAW

SUE BENTCH\*

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When Barbara Bader Aldave became dean of St. Mary's University School of Law in 1989, among her goals was the creation of law clinics at St. Mary's. She began work toward that goal immediately upon assuming the position of dean.<sup>1</sup> Today, the award-winning clinical program that she began and nurtured is a star in the law school's firmament. This Article examines the history of that program and how the clinics at St. Mary's have grown into one of the leading clinical programs in the state, perhaps even in the nation.

### I. INTRODUCTION AND BACKGROUND

Prior to Dean Aldave's arrival at St. Mary's, experiential learning by law students was primarily accomplished the old-fashioned way: some law students worked part-time for practicing attorneys or in offices, such as the District Attorney's office. In the early 1970s, Professor Charles Cantu directed a program in which students were placed with officers in the juvenile section of the District Attorney's office.<sup>2</sup> Later, during the 1980s, part-time professor Mary Anne Crosby introduced a series of externships.<sup>3</sup> To enhance their knowledge of the justice system and give them practical experience, Professor Crosby arranged for students in her Juvenile Law classes to work in the juvenile division of the Bexar County District Attorney's office, assisting the attorneys there with their caseloads and eventually earning academic credit.<sup>4</sup> Consequently, the dean at that time hired her to direct a broader program.<sup>5</sup> With the volunteer assistance of two professors in particular, Professors Gerald Reamey and John

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1. E-mail from David Dittfurth, Professor of Law, St. Mary's Univ. Sch. of Law, to author (Mar. 12, 2014, 15:21 CDT) (on file with author).

2. E-mail from Charles Cantu, Dean (2007–2014), St. Mary's Univ. Sch. of Law, to author (May 16, 2014, 09:34 CDT) (on file with author). Professor Dubin alludes to such “externships”—students placed in offices unaffiliated with the law school—as far back as the 1960s. *See* Jon C. Dubin, *Poverty, Pain, and Precedent: The Fifth Circuit's Social Security Jurisprudence*, 25 ST. MARY'S L.J. 81, 82 n.1 (1993) (“Externships usually provide students practical experience through placements with field supervisors (i.e., judges, lawyers, and legislators) unconnected with the law school.”). Additionally, Professor Dubin notes that such “externships” could possibly have been in existence in the 1940s and 1950s. E-mail from Jon C. Dubin, Assoc. Dean for Clinical Educ., Professor at Law, Rutgers Sch. of Law–Newark, to author (Jan. 16, 2014, 13:50 CST) (on file with author).

3. Professor Crosby initially taught Corporations and Juvenile Law as an adjunct professor. Telephone Interview with Mary Anne Crosby, retired Professor of Law, St. Mary's Univ. Sch. of Law (Apr. 28, 2014).

4. E-mail from Mary Anne Crosby, retired Professor of Law, St. Mary's Univ. Sch. of Law, to author (Oct. 23, 2014, 11:47 CDT) (on file with author).

5. Professor Crosby recalls that the dean was motivated by criticism from the accreditation committee of the American Bar Association that the law school lacked experiential offerings. *Id.*

Schmolesky, she expanded this program to the Bexar County District Attorney's office and to the local office of the United States Attorneys,<sup>6</sup> as well as to the San Antonio City Attorney's office and Bexar County Legal Aid (BCLA). Eventually, Professor Crosby placed students with four state district judges, the local bankruptcy court, the Department of Immigration, and the estate, tax, and trust departments of several banks.<sup>7</sup> The next year, 1982, she obtained and administered a three-year grant from the Legal Services Corporation (LSC) to establish a Clinical Internship Program (CIP) in conjunction with BCLA. The grant paid for a full-time supervising attorney and assistance from a BCLA secretary.<sup>8</sup> Students worked at BCLA offices and met with their supervisor there.<sup>9</sup> Their cases were generated by BCLA and the students earned academic credit for the CIP. Professor Crosby herself taught an introductory classroom component, but the supervising attorney who was primarily responsible for day-to-day supervision was not a member of the St. Mary's faculty.<sup>10</sup> The LSC grant was extended for an additional year, but after that the program foundered because of lack of funding and administrative indifference. Professor Crosby left the faculty and with her departure these experiential offerings that she had developed over the previous five years evaporated.<sup>11</sup> Thus when Dean Aldave arrived, there was no viable clinical experience available for law students at St. Mary's.

Dean Aldave was determined to install properly funded and accredited law clinics at St. Mary's—clinics that adhered to the American Bar Association's Standard 302<sup>12</sup> requiring case supervision by law school

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6. Telephone Interview with Mary Anne Crosby, *supra* note 3. Professor Reamey met weekly with eight to ten students who rotated through sections of the District Attorney's office. Telephone Interview with Gerald Reamey, Professor of Law, St. Mary's Univ. Sch. of Law (May 5, 2014). While Professor Schmolesky also supervised students who worked at the District Attorney's office, he primarily supervised students working with the United States Attorney, the Federal Public Defender, and the Texas Court of Criminal Appeals. Telephone Interview with John Schmolesky, Professor of Law, St. Mary's Univ. Sch. of Law (Aug. 28, 2014). Professor Schmolesky continued helping students find these judicial and federal placements even after the demise of Professor Crosby's program; they continue presently as part of the Practice Credit Program. *Id.*

7. E-mail from Mary Anne Crosby, *supra* note 4; Telephone Interview with Mary Anne Crosby, *supra* note 3. Students worked under the supervision of attorneys in these outside offices, and met in groups with Professor Crosby weekly to discuss their cases and share their experiences. E-mail from Mary Anne Crosby, *supra* note 4.

8. Telephone Interview with Mary Anne Crosby, *supra* note 3.

9. Professor Reamey also occasionally volunteered to supervise students at BCLA. Telephone Interview with Gerald Reamey, *supra* note 6.

10. Telephone Interview with Mary Anne Crosby, *supra* note 3.

11. Professor Crosby described both programs, the externships and the CIP, as the law school's "step-children," at best. *Id.*

12. E-mail from Jon C. Dubin, *supra* note 2; see A.B.A. STANDARDS FOR APPROVAL OF LAW

faculty and the award of hard credits for students, a goal which she set to work on as soon as she began her tenure in 1989.<sup>13</sup> As she herself says, there was both opportunism and design in the creation of the various clinics: “One good thing led to another.”<sup>14</sup> She named David Dittfurth, her Associate Dean for Academic Affairs, to be the initial Director of the Clinics—a post he held until 1993. As the various programs grew and fell into place under Professor Dubin and other clinicians, Professor Dittfurth’s responsibilities became primarily administrative and oversight, regulating the expenditure of grant money and acquiring computers, furniture, and other necessities.<sup>15</sup> However beyond these quotidian matters, according to Professor Dubin, it was the tone that Dean Aldave set and her indomitable will and spirit that made it all happen.<sup>16</sup>

## II. POVERTY LAW CLINIC / CIVIL JUSTICE LAW CLINIC

During her first year as dean, 1989–1990, Barbara Aldave applied for grants to fund these yet-to-be-established clinics. In 1990, St. Mary’s won grants from both the LSC and the Texas Interest on Lawyers’ Trust Accounts (IOLTA) fund. In addition, Dean Aldave learned that Jon Dubin, a well-known lawyer from New York<sup>17</sup> was eager to move to Texas both for family reasons and for a prospective position at the University of Texas. Equipped with this knowledge, she acted quickly to interview him and offer him a faculty position as director of a new clinic beginning in the fall of 1990.<sup>18</sup> He accepted. According to Professor Dittfurth, Professor Dubin’s hire was the seminal event in the creation of

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SCH. ch. 3, Standard 302(b)(1) (2013–2014) (“A law school *shall* offer substantial opportunities for live-client or other real-life experiences, appropriately supervised and designed to encourage reflection by students on their experiences and on the values and responsibilities of the legal profession, and the development of one’s ability to assess his or her performance and level of competence.” (emphasis added)).

13. E-mail from David Dittfurth, *supra* note 1; E-mail from Jon C. Dubin, *supra* note 2. The ABA Standard for the Approval of Law Schools requires supervision by a faculty member for the award of academic credit. A.B.A. STANDARDS FOR APPROVAL OF LAW SCH. ch. 3, Standard 305 (2013–2014).

14. E-mail from Barbara Bader Aldave, Dean (1989–1998), St. Mary’s Univ. Sch. of Law, to author (Jan. 17, 2014, 12:57 CST) (on file with author).

15. E-mail from David Dittfurth, *supra* note 1.

16. E-mail from Jon C. Dubin, *supra* note 2 (Oct. 10, 2014, 20:52 CDT).

17. Professor Dubin had been assistant legal counsel for the NAACP Legal Defense and Education Fund and, most recently, the Director of Litigation for the Harlem Neighborhood Office of the Legal Aid Society. *Faculty Profile: Jon C. Dubin*, RUTGERS SCH. OF L.–NEWARK, <http://www.law.newark.rutgers.edu/faculty/faculty-profiles/jon-c-dubin> (last visited Apr. 7, 2015).

18. E-mail from Barbara Bader Aldave, *supra* note 14; E-mail from Jon C. Dubin, *supra* note 2.

legal clinics at St. Mary's.<sup>19</sup>

Like Dean Aldave, Professor Dubin saw the mission of a law school clinic as more than preparing students for the practice of law and developing a sense of professional identity, professional judgment, and professional responsibility in the actual practice experience; he also saw the opportunity to deliver legal services to a desperately underserved and impoverished client population.<sup>20</sup>

However, because Professor Dubin could not relocate until after the beginning of the academic term, Dean Aldave engaged Mary Anne Crosby, previously the director of the Clinical Internship Program, to help get the first in-house clinic off the ground. Meanwhile, in July of 1990, she spoke at the San Antonio Bar Association's monthly meeting about the innovations under way at the law school, including securing these grants, and solicited referrals for a supervising attorney for the new civil clinic. Sue Bentch responded on the spot and shortly thereafter Dean Aldave hired her for this position. Ms. Bentch was a local practitioner, a 1987 graduate of St. Mary's law school, and before that a faculty member in the university's English department.

During the civil clinic's first year, 1990–1991, Professor Dubin and Professor Bentch, with Professor Crosby's assistance, supervised students at the three offices of BCLA. They taught the weekly classroom component of the clinic on campus. The clinic—known then as the Poverty Law Clinic—admitted students separately for the fall and spring semesters. This format for the clinic lasted only for that first year.

The students' cases were generated primarily by BCLA and represented a mix of general civil cases: family law, including divorce, custody, and protective orders; estates, including the drafting of wills, powers of attorney, healthcare proxies, and directives to physicians; housing, including renter's rights, and evictions; and related matters. In addition, Social Security disability claimants whose claims had initially been denied were also represented by clinic students. Professor Dubin supervised these Social Security cases. However the clinic was not limited to cases on BCLA's priority list or by LSC-imposed limitations on the types of cases that BCLA could accept, so BCLA could refer to the clinic some cases that BCLA could not have taken itself. In one memorable case, a student successfully resisted a summary judgment by an onerous creditor on behalf of a student loan debtor. The creditor argued that federal pre-emption

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19. E-mail from David Dittfurth, *supra* note 1.

20. E-mail from Jon C. Dubin, *supra* note 2.

because of the bank's takeover by the Resolution Trust had absolved it of the usual niceties of Texas contract law, but the law student prevailed on state law grounds in the local county court-at-law. The client represented in this case was typical of those clinic clients, including elderly estates clients, who, without clinic representation, would have had no representation at all because their cases were insufficiently urgent for BCLA.

By order of the Texas Supreme Court, the State Bar, and legislative authority, third-year law students may practice in Texas courts and represent clients under the direct supervision of a licensed attorney.<sup>21</sup> Under ABA Standard 305, students may be awarded academic credit for such legal work, provided that the licensed attorney is a member of the faculty.<sup>22</sup> The civil clinic built by Professor Dubin, with the help at first from Professor Crosby and with continuing collaboration from Professor Bentch, combined a comprehensive classroom component comprised of both substantive law and advocacy techniques with intensive, individualized case supervision that fulfilled both the student practice rule and the ABA Standard, as well as Dean Aldave's goal of establishing a live client, in-house clinic to serve the unserved and underserved population of San Antonio and Bexar County.

During that first year of St. Mary's new clinical program, 1990–1991, Dean Aldave and Professor Dubin renewed the LSC and IOLTA grants and applied for and received a third grant. The Department of Housing and Urban Development awarded this third grant to the Poverty Law Clinic specifically to serve the local homeless population. Professor Dubin drew the plans for this component of the clinic and he and Professor Dittfurth designed this grant to focus on the unmet legal needs of San Antonio's homeless population. This sizeable grant allowed the civil clinic to hire more staff, namely Ana Novoa<sup>23</sup> as a second supervising attorney, and Mary Mendez Herrera, a legal assistant with whom Professor Dubin and Professor Bentch had both worked at Legal Aid.

The clinic's focus on homelessness thus began in 1991. Also beginning in 1991, Professor Novoa and Professor Bentch divided the supervision of the students between them at the three offices of BCLA, Professor Dubin

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21. See TEX. RULES & REGULATIONS GOVERNING THE PARTICIPATION OF QUALIFIED LAW STUDENTS & QUALIFIED UNLICENSED LAW SCH. GRADUATES IN THE TRIAL OF CASES IN TEX. R. V (West 2014) (stating a law student may practice if supervised).

22. A.B.A. STANDARDS FOR APPROVAL OF LAW SCH. ch. 3, Standard 305 (2013–2014).

23. Ms. Novoa had been one of Dean Aldave's most outstanding students at the University of Texas. E-mail from Barbara Bader Aldave, *supra* note 14.

focused solely on Social Security cases, and Ms. Mendez Herrera conducted outreach at the shelters and among the homeless population. Now there were three faculty members to teach the weekly classroom component of the clinic which now extended over the entire academic year. In addition, Professors Dubin, Novoa, and Bentch began to develop a multi-volume clinic practice manual for their students with substantive curriculum for the coursework, practice pointers, and clinic procedures. This was the clinic's format until its next growth spurt.

The clinic's focus on homelessness brought a new dimension to the clinic's mission and to the students' practice. This focus was in concert with and expanded on both Dean Aldave's and Professor Dubin's mission to give students actual first chair, client-centered experience while inculcating them with a service ethos and providing desperately needed legal services.<sup>24</sup> As Ms. Mendez Herrera points out, unlike the earlier clients referred from Legal Aid with discrete legal problems, these homeless clients tended to have not only multiple legal problems but also numerous social issues such as nowhere to stay, no work, no transportation, and in many cases, no identification.<sup>25</sup> While the shelters in San Antonio did their best to address the most pressing of these needs, no agency or institution had previously attempted to address the roots of homelessness.

Ms. Mendez Herrera quickly became the face of the clinic at the local shelters and among the homeless population. She gained the trust of both groups with the clinic's holistic approach to solving problems, not just legal problems. At first, that might have been in the nature of finding the right shelter, or clothing, or medical attention for a client. However as time went on and her access to community resources expanded, law students who may have previously assisted her by offering their truck to help deliver donated furniture were now actively engaged in legal action to prevent homelessness.<sup>26</sup>

Beyond providing legal services to the homeless under the grant, the students engaged in opportunities to continue serving the homeless population. Ms. Mendez Herrera coordinated volunteer efforts with other agencies, including United Way, and private groups such as Valero Energy Corporation, to organize events like Christmas Under the Bridge<sup>27</sup> where

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24. E-mail from Jon C. Dubin, *supra* note 2.

25. Telephone Interview with Mary Mendez Herrera, Paralegal, St. Mary's Univ. Sch. of Law Ctr. for Legal & Soc. Justice (Jan. 28, 2014).

26. *Id.*

27. Christmas Under the Bridge "provides the less fortunate with donations of clothing,



law students volunteered their help. Similarly, she worked with the Veterans Administration to organize a Stand Down for homeless veterans where they could access all manner of services in one place, including legal services provided by the St. Mary's clinic. The Department of Housing and Urban Development, under its Continuum of Care umbrella, mandates the "Point in Time"<sup>28</sup> census of the local homeless population, another of Ms. Mendez Herrera's efforts which she coordinated through her membership on the San Antonio Area Homeless Action Coalition.<sup>29</sup> Additionally, Ms. Herrera Mendez coordinated student work with the AIDS clinic<sup>30</sup> at the Bexar County Hospital District and with the Salvation Army's William Booth Apartments<sup>31</sup> to interview clients for whom law

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personal hygiene items, school supplies, food, a hot meal, haircuts, medical screenings, HIV testing, flu shots, counseling for substance abuse, family violence prevention, legal aid, holiday music, entertainment, and hope." *Christmas Under the Bridge*, WITAN (St. Mary's Sch. of Law, San Antonio, Tex.), Oct. 26, 2009, at 6, [http://lawspace.stmarytx.edu/archive/files/STMU\\_Witan/STMUlaw\\_TheWitan\\_2009Oct26\\_issue11.pdf](http://lawspace.stmarytx.edu/archive/files/STMU_Witan/STMUlaw_TheWitan_2009Oct26_issue11.pdf).

28. "The Point-in-Time (PIT) count is a count of sheltered and unsheltered homeless persons on a single night in January." *PIT and HIC Guide, Tools, and Webinars*, HUD EXCH., <https://www.hudexchange.info/hdx/guides/pit-hic/> (last visited Apr. 7, 2015). The Continuum of Care program is staffed by "group of representatives that takes on the coordination of homeless prevention and homelessness prevention activities across a specified geographic area and that implements community-wide, coordinated efforts for assessing and addressing the housing and service needs of individuals and families that are homeless or at risk of homelessness." *Continuum of Care*, TEX. DEP'T OF HOUS. & CMTY. AFF., <http://www.tdhca.state.tx.us/tich/coc.htm> (last visited Apr. 7, 2015).

29. Now called the South Alamo Regional Alliance for the Homeless (SARAH), which includes United Way and many other agencies. *General Members*, S. ALAMO REGIONAL ALLIANCE FOR THE HOMELESS, <http://www.sarahomeless.org/about/general-members/> (last visited Apr. 7, 2015). Volunteers count the homeless population in San Antonio each January, help inform the homeless of the services available to them, and assure the city and these agencies receive appropriate HUD funding. Telephone Interview with Mary Mendez Herrera, *supra* note 25; *see also* HUD EXCH., *INTRODUCTORY GUIDE TO THE CONTINUUM OF CARE (COC) PROGRAM: UNDERSTANDING THE COC PROGRAM AND THE REQUIREMENTS OF THE COC PROGRAM INTERIM RULE 1 (2012)*, <https://www.hudexchange.info/resources/documents/CoCProgramIntroductoryGuide.pdf> ("Each year, HUD awards CoC Program funding competitively to nonprofit organizations, States, and/or units of general purpose local governments . . ."). Both Ms. Mendez Herrera and Dean Novoa have held various officer positions with SAAHAC and SARAH, including president. Interview with Ana M. Novoa, Assoc. Dean, St. Mary's Univ. Sch. of Law (July 3, 2014).

30. The AIDS clinic served primarily mothers with young families who had been infected by their partners. E-mail from Mary Mendez Herrera, Paralegal, St. Mary's Univ. Sch. of Law Ctr. for Legal & Soc. Justice, to author (Aug. 29, 2014, 08:36 CDT) (on file with author).

31. William Booth Garden Apartments is a ninety-five-unit subsidized housing facility open to "[s]eniors age 62 or older or individuals who are disabled according to social security guidelines." *Salvation Army Hope Center/William Booth Garden Apartments (Metropolitan Area Command) (HUD) (Seniors)*, NETWORK OF CARE, [http://bexar.tx.networkofcare.org/aging/services/agency.aspx?pid=SalvationArmyHopeCenterWilliamBoothGardenApartmentsMetropolitanAreaCommandHUDSenior\\_s\\_687\\_1\\_0](http://bexar.tx.networkofcare.org/aging/services/agency.aspx?pid=SalvationArmyHopeCenterWilliamBoothGardenApartmentsMetropolitanAreaCommandHUDSenior_s_687_1_0) (last updated Aug. 1, 2014).

students then prepared estate documents.<sup>32</sup>

Despite her visibility among the network of homeless providers, the trust she engenders among those who seek her help, and the legions of students who have served the legal needs of these clients, it became clear to Ms. Herrera Mendez that the Homelessness Project of the Civil Justice Clinic was bigger than one person.<sup>33</sup> The next part of that story, addressing the root causes of homelessness, would require the kind of community effort described in section IX.

In the mid-1990s, the Poverty Law Clinic changed its name to the Civil Justice Clinic. This modification had been under consideration both from a substantive perspective and to parallel that of the Criminal Justice Clinic<sup>34</sup> but was spurred by an elderly client, a widow, who consulted the clinic for a will and other estate documents. Although “poverty law” is legitimately a substantive law school course, she pointed out the emotional baggage inherent in tagging the clinic with that name: “I haven’t always been poor,” she said. Poverty was a condition of her widowhood and she didn’t like it. Frankly, the clients of all the clinics are poor; no one likes it. Thus the clinic’s name was changed to reflect the substance of the clinic’s work: the Civil Justice Clinic.<sup>35</sup>

At about the same time, in 1993, as the clinics described below were growing and more were being added to the curriculum, Dean Aldave named Professor Jon Dubin to be Director of the Clinical Program at St. Mary’s. As Director, he embarked on a program to spread the goals he shared with Dean Aldave to all the new and developing clinics with a unifying mission of quality education and public service. During that same year, Dean Aldave had hired Elise Garcia to undertake the law school’s development work and grant writing.<sup>36</sup> She, too, became a “partner” in Dean Aldave’s and Professor Dubin’s efforts related to clinics, successfully bringing the clinics both money and publicity, generating and articulating creative ideas, and offering unwavering moral support.<sup>37</sup>

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32. E-mail from Mary Mendez Herrera, *supra* note 30.

33. Telephone Interview with Mary Mendez Herrera, *supra* note 25.

34. *See infra* Section III.

35. “The Civil Justice Clinic represents persons who are homeless; victims of violent crimes; persons who are undocumented, primarily in family law; social security claims; consumer issues; and tax controversies.” *St. Mary’s University School of Law*, LAW SCHOOL ADMISSIONS COUNCIL, <https://officialguide.lsac.org/Release/SchoolsABADData/SchoolPage/SchoolPage.aspx?sid=128> (last visited Apr. 7, 2015).

36. Ms. Garcia actually joined the law school’s staff in late 1992, although she had performed some consulting work before that. E-mail from Elise Garcia, to author (Oct. 13, 2014) (on file with author).

37. *Id.*; E-mail from Barbara Bader Aldave, *supra* note 14.

### III. CAPITAL PUNISHMENT CLINIC AND JUVENILE LAW CLINIC / CRIMINAL JUSTICE CLINIC

The Criminal Justice Clinic also took root in 1990, but unlike the civil clinic, the criminal clinic grew from disparate pieces and coalesced into the Criminal Justice Clinic in 1993.

Drawing on her earlier activities in Austin opposed to capital punishment, Dean Aldave sought first to create a capital punishment clinic, a need she saw as particularly acute in San Antonio and Bexar County.<sup>38</sup> She hired Jeff Pokorak from the Texas Appellate Practice and Education Resource Center, a federally funded program at the University of Texas in Austin, to supervise students in this Capital Punishment Clinic.<sup>39</sup> During that first year, 1990–1991, Professor Pokorak still worked for the Resource Center, but maintained his office at St. Mary's where he co-taught capital punishment law with Professor John Schmolesky and an adjunct professor, the well-known and highly respected local attorney Mark Stevens.<sup>40</sup> He supervised students who worked on post-conviction capital punishment cases, mostly habeas corpus, in both state and federal courts.<sup>41</sup> Meanwhile, Professor Marsha Merrill had begun teaching Juvenile Law in the late 1980s. By the early 1990s she also supervised students who worked on cases in external placements.

However, when Jon Dubin became Director of the Clinical Programs, he, Professor Dittfurth,<sup>42</sup> Mr. Stevens, and Professor Pokorak, who formally joined the faculty in 1993, designed a comprehensive Criminal Justice Clinic that combined not only the capital punishment and juvenile law components, but also the general criminal defense of misdemeanors,

38. E-mail from Barbara Bader Aldave, *supra* note 14; *see also* Barbara Bader Aldave, *The Reality of a Catholic Law School*, 78 MARQ. L. REV. 291, 294 (1995) (“Because many more people are executed in Texas than in any other state, it is hardly surprising that our efforts to assist those convicted of capital murder have been particularly controversial.”).

39. Telephone Interview with Jeffrey Pokorak, Clinical Professor of Law (1993–2001), St. Mary's Univ. Sch. of Law (Feb. 3, 2014).

40. *See Attorney Profile*, MARK STEVENS LAW, <http://markstevenslaw.com/attorney-profile/> (last visited Apr. 7, 2015) (describing his accolades earned throughout his professional career to include his longstanding commitment to St. Mary's University).

41. Telephone Interview with Jeffrey Pokorak, *supra* note 39; *see also* Aldave, *supra* note 38, at 294 (explaining the role of the Capital Punishment Clinic as “assist[ing] death-row inmates in habeas corpus proceedings”). Professor Dubin describes this arrangement as sort of an “in-house externship.” E-mail from Jon C. Dubin, *supra* note 2.

42. Professor Dittfurth stepped down as Associate Dean and as Director of the Clinics, clearing the way for the formal appointment of Professor Dubin as Director of the Clinical Program—bestowing on Professor Dublin the administrative title that matched his actual control and the direction he already exercised. E-mail from David Dittfurth, *supra* note 1.

minor felonies, and state and federal appeals. Professor Pokorak served as the clinic's director; Mark Stevens and adjunct professor Sally Justice, another respected local criminal defense attorney, served as its supervising attorneys.<sup>43</sup> Professor Pokorak and Mr. Stevens taught the clinic's classroom component. Stephanie Stevens later joined the clinic as a supervising attorney in 1995 and thereafter became a full-time clinical professor of law.<sup>44</sup>

This clinic design won the Criminal Justice Clinic a major grant from the Department of Education<sup>45</sup> which allowed the clinic to rent office space at the Tower Life building in downtown San Antonio, just a few short blocks from the courthouse. According to Professor Stephanie Stevens, a more difficult task was winning the trust of the local judges and convincing them that students could indeed represent accused persons in danger of losing their liberty or even their life. At first, their cases were only those appointed specifically to the supervising attorneys, an attitude that has changed considerably over the years.<sup>46</sup>

#### IV. IMMIGRATION CLINIC

The third clinic was the Immigration Clinic. Dean Aldave was also passionate about assisting asylum seekers and admired the work of the Ford Foundation-funded Lawyers' Committee for Civil Rights in the early 1990s, co-directed by Lee Terán in San Antonio and Barbara Hines in Austin.<sup>47</sup> Therefore she asked local San Antonio immigration lawyers Lee Terán, Nancy Shivers, and John Blatz to meet with her to consider how students might assist working on pro bono asylum cases.<sup>48</sup> Ms. Terán and Ms. Shivers, both in private practice, took as many pro bono asylum cases as they could.<sup>49</sup> Mr. Blatz was at that time the only lawyer working at the

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43. Ms. Justice, another respected local criminal defense attorney, joined the clinic in 1993 to take over supervision of juvenile law cases. Telephone Interview with Jeffrey Pokorak, *supra* note 39. She held this position for four or five years. Telephone Interview with Stephanie Stevens, Dir. Criminal Justice Clinic, St. Mary's Univ. Sch. of Law (Sept. 4, 2014).

44. E-mail from Stephanie Stevens, Dir., Criminal Justice Clinic, St. Mary's Univ. Sch. of Law, to Sue Bentch, retired Clinical Professor of Law, St. Mary's Univ. Sch. of Law (Mar. 6, 2014) (on file with author). Mark Stevens relinquished his role as a supervising attorney, but remained with the clinic as an adjunct professor. Telephone Interview with Stephanie Stevens, *supra* note 43.

45. Telephone Interview with Stephanie Stevens, *supra* note 43.

46. E-mail from Stephanie Stevens, *supra* note 44.

47. Dean Aldave describes Professor Terán as the "go-to" immigration lawyer in Texas. E-mail from Barbara Bader Aldave, *supra* note 14.

48. Telephone Interview with Lee Terán, Clinical Professor of Law, St. Mary's Univ. Sch. of Law (Jan. 22, 2014).

49. *Id.*

Refugee Aid Project (RAP), which was then the only public interest law firm in South Texas performing asylum work.<sup>50</sup> Associate Dean David Dittfurth also attended this meeting in his capacity as Director of the Clinics.<sup>51</sup> Thus the first iteration of an immigration clinic was born, as an asylum “clinic”: Ms. Terán and Ms. Shivers taught asylum law as part-time adjunct professors and, as a part-time adjunct professor, Mr. Blatz supervised students who worked on asylum cases at the Refugee Aid Project.<sup>52</sup>

That arrangement lasted only a year or so. Then, under the leadership of Professor Dubin in his new capacity as Director of the Clinical Program, the law school won a \$250,000 grant from the Department of Education to establish a true in-house immigration clinic beginning in the fall of 1993.<sup>53</sup> Professor Lee Terán was hired to be the full-time Supervising Attorney, not for only asylum cases, but for a full range of immigration cases: removal cases involving undocumented people eligible for legal residence, permanent residents in danger of deportation because of having committed a crime, and so on.<sup>54</sup> Professor Terán recalls that she could see how an immigration clinic could begin to fill the need to train more immigration lawyers to practice in south Texas.<sup>55</sup>

As in the Poverty Law/Civil Justice Clinic, students in the Immigration Clinic initially shared the offices of BCLA, first in a tiny space in BCLA's Main Street office and later in its East Houston Street office. For a brief period of time, students also saw clients at the offices of Catholic Charities.<sup>56</sup>

The next big change came to the Immigration Clinic in 1994 with the addition of Monica Schurtman to direct and supervise International Human Rights cases and projects. Thus the official name of this clinic is the Immigration and Human Rights Clinic. For a while, Professors Terán and Schurtman co-taught and co-supervised. However, Professor Schurtman's most recent experience with Human Rights Watch centered on the elimination of land mines. Therefore, she planned several international human rights projects that did not involve casework.<sup>57</sup>

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50. In the early 1990s, the strife in Central America and Haiti had led to a huge backlog of asylum cases. *Id.*

51. *Id.*

52. *Id.*

53. *Id.*

54. *Id.*

55. *Id.*

56. *Id.*

57. *Id.*

Through the rest of Professor Schurtman's work at St. Mary's, the Immigration Clinic and International Human Rights Clinic operated as complementary parts of a whole. Professors Terán and Schurtman taught some classes together and some separately; students worked on some cases together, such as those involving asylum or the federal Violence Against Women Act (VAWA), and others were separate. For example, Immigration Clinic students worked on removal cases and International Human Rights Clinic students worked on projects involving abuses in Central America.<sup>58</sup>

## V. INTERNATIONAL HUMAN RIGHTS CLINIC

As noted above, the International Human Rights Clinic began in 1994 as part of the Immigration Clinic with the addition of Professor Monica Schurtman,<sup>59</sup> and initially with part of the Immigration Clinic's grant from the Department of Education. Later the International Human Rights Clinic also secured grants from the Ford Foundation.<sup>60</sup> Although, as described above, Professor Schurtman and Professor Terán collaborated and team-taught their students who frequently worked together, Professor Schurtman's vision for a clinic that focused on human rights abuses with a truly international approach was different. She wanted to address and forestall the criticisms that many foreign governments and others had toward American human rights work by addressing human rights abuses in the United States as well as in other countries.<sup>61</sup> Thus the International Human Rights Clinic at St. Mary's was one of the first in the nation to work on both sides of the border.

Therefore, in addition to the asylum and VAWA work described above, the human rights clinic students worked with the members of the Coalition for Justice in the Maquiladoras.<sup>62</sup> They filed the first occupational health and safety complaint under the NAFTA Side

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58. Telephone Interview with Lee Terán, *supra* note 48.

59. Dean Aldave pursued Professor Schurtman when she learned of her work at Human Rights Watch to eliminate land mines. E-mail from Barbara Bader Aldave, *supra* note 14. Human Rights Watch is a founding member of the International Campaign to Ban Landmines, which received the 1997 Nobel Peace Prize. *The Nobel Peace Prize 1997*, NOBELPRIZE.ORG, [http://www.nobelprize.org/nobel\\_prizes/peace/laureates/1997/](http://www.nobelprize.org/nobel_prizes/peace/laureates/1997/) (last visited Apr. 7, 2015).

60. E-mail from Jon C. Dubin, *supra* note 16.

61. Telephone Interview with Monica Schurtman, former co-director of the Immigr. & Hum. Rts. Clinic, St. Mary's Univ. Sch. of Law (Mar. 17, 2014).

62. The Coalition for Justice in the Maquiladoras "place[s] special emphasis on defending the rights of women who suffer discrimination, humiliation, and sexual harassment in the workplace." *Welcome to the Coalition for Justice in the Maquiladoras CJM!*, COALITION FOR JUSTICE IN THE MAQUILADORAS, <http://coalitionforjustice.info/home/> (last visited Apr. 7, 2015).

Agreement.<sup>63</sup> They also worked with Lawyers for International Human Rights (now Human Rights First) on the issue of forced confessions in Mexico. Students investigated torture and forced confessions in Tamaulipas and filed for redress in the labor tribunal under the NAFTA Side Agreement, a case that reached the International Commission on Human Rights.<sup>64</sup> Students were also intimately involved in the high-profile case of American innkeeper Michael Devine, who was tortured and murdered in Guatemala by members of the Guatemalan military.<sup>65</sup> The students interviewed U.S. officials, Guatemalan government officials, non-governmental witnesses, and low-ranking Guatemalan military personnel in Guatemala.<sup>66</sup> Back home, students compiled administrative requests for pertinent documents under the Freedom of Information Act (FOIA). They filed and pursued federal litigation, filed a FOIA complaint in federal district court in Washington, D.C., and analyzed the documents that were released as a result of their litigation. In the end, students made a presentation to a panel appointed by President Bill Clinton, the Intelligence Oversight Board, and their presentation was included in its final report.<sup>67</sup>

At the same time, on the domestic front, students in the International Human Rights Clinic sued the Bexar County sheriff under the Americans with Disabilities Act to bring about a change in jail policies and practices regarding deaf and mute inmates on behalf of a deaf mute inmate who was beaten by deputies at the jail.<sup>68</sup>

At the time of its elimination by a new law school administration in 2000, the St. Mary's International Human Rights Clinic program was a ground-breaking, pioneering force. Students from other law school clinics,

63. Telephone Interview with Monica Schurtman, *supra* note 61; *see also* Monica Schurtman, *Los Jonkeados and the NAALC: The Autotrim/Customtrim Case and Its Implications for Submissions Under the NAFTA Labor Side Agreement*, 22 ARIZ. J. INT'L & COMP. LAW 291 (2005).

64. Mexican domestic remedies were exhausted by Alfonso Otero, a St. Mary's clinic student previously licensed in Mexico; the case was finally resolved in 2012. Telephone Interview with Monica Schurtman, *supra* note 61.

65. The murder was covered up by a Guatemalan colonel who was on the CIA payroll. Telephone Interview with Monica Schurtman, *supra* note 61; *see also* 143 Cong. Re. E1678 (daily ed. Sept. 5, 1997) (speech of Rep. Esteban Edward Torres) (examining the link between the CIA and the Guatemalan colonel even after the death of Michael Devine).

66. Telephone Interview with Monica Schurtman, *supra* note 61.

67. *Id.* The Intelligence Oversight Board was ordered by the President on March 30, 1995. Press Release, The White House, Memo on Presidential Ordered Review of Guatemala Case (Apr. 10, 1995), *available at* <http://clinton6.nara.gov/1995/04/1995-04-10-memo-on-presidential-ordered-review-of-guatemala-case.html>.

68. Telephone Interview with Monica Schurtman, *supra* note 61.

such as the one at Columbia University, came to work with the program.<sup>69</sup> Its structure and mission served as models for other law school international human rights clinics.

## VI. COMMUNITY DEVELOPMENT CLINIC

In 1995, Dean Aldave hired Frances Leos to found and direct the Community Development Clinic, the first clinic in Texas to focus specifically on community development work. Coming from her previous work at Texas Rural Legal Aid, Professor Leos saw its mission as training law students in transactional legal work, rather than casework or litigation, while providing transactional representation to nonprofit organizations engaged in community development.<sup>70</sup> In its first year, the clinic focused on residents of colonias near Laredo, Texas,<sup>71</sup> assisting a colonia-based development group in its work to stabilize housing and regularize home ownership.<sup>72</sup>

In 1996, when the Community Development Clinic joined the other clinics at the Center for Legal and Social Justice, it continued its work in the border colonias but also began to focus its work with nonprofit organizations in the San Antonio area. The students assisted a low-income neighborhood to fight an attempt to close a neighborhood street. They provided legal compliance guidance to Latino organizations on the city's west side and to African American organizations on the east side. They formed several new nonprofit tax-exempt corporations for their clients.<sup>73</sup>

Community Development Clinic students also collaborated with the International Human Rights Clinic to work with residents living near Kelly Air Force Base to secure the clean-up of the toxic residue in residential areas near the base. Chemical dumping had taken place there for years and possibly contaminated the groundwater source as well as the residents' yards.<sup>74</sup> In 2000, following the elimination of the International Human Rights Clinic, the Community Development Clinic continued to work with those residents to develop their community education and community organization initiatives.<sup>75</sup>

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69. *Id.*

70. E-Mail from Frances Leos Martinez, Clinical Professor, The Univ. of Tex. Sch. of Law, to author (Apr. 14, 2014, 19:33 CDT) (on file with author).

71. These communities were already being served by the Immigration and International Human Rights clinics. *Id.*

72. E-Mail from Frances Leos Martinez, *supra* note 70 (May 23, 2014, 12:58 CDT).

73. *Id.* (Apr. 14, 2014, 19:33 CDT).

74. *Id.* (May 23, 2014, 12:58 CDT).

75. *Id.* (Apr. 14, 2014, 19:33 CDT).



The Community Development Clinic continued in operation for another year, until 2001. Then the Community Development Clinic merged into the Civil Justice Clinic with Professor Rey Valencia as its director on a half-time basis but with half as many students, thereby avoiding the fate of the International Human Rights Clinic and surviving administrative elimination for an additional three years. Under Professor Valencia, the clinic's projects were student directed. With the collaboration of Dr. Susan McCarthy, the university's Director of Academic Research and Sponsored Projects, those projects included grant writing for non-profit organizations and 501(c)(3) applications.<sup>76</sup>

#### VII. THE CENTER FOR LEGAL AND SOCIAL JUSTICE

The legal clinics at St. Mary's marked a milestone on February 14, 1996, when they all moved to the Center for Legal and Social Justice, formerly the retreat house operated by the Marianist Sisters called "Our Lady of the Pillar." Dean Aldave urged the law school to purchase this building from the sisters to become the home for all of the clinics. Marked by a procession from the law school campus to the Center on 36<sup>th</sup> Street, law school campus minister Sr. Grace Walle dedicated the building and blessed its mission to "becoming more aware of the needs of the community around us and . . . helping our students address the needs of the community through their work."<sup>77</sup> Now, instead of being scattered all over town in begged, borrowed, and rented space, the clinics could operate under one roof, the clinical faculty could supervise students and teach them in one place, and students could provide holistic and synergistic help to their clients. For example, a domestic violence client could find the legal assistance she needed for civil protection and immigration all under one roof. In addition, the Center began offering other services for clinic clients such as counseling provided in-house by the University's Counseling and Human Services Department (faculty-supervised Ph.D. students), and even a community garden where its Violence Against Women Act clients could grow the vegetables and herbs that were familiar to them from their home countries.

Another addition to programming afforded by the move to the Center for Legal and Social Justice was the addition of a formal pro bono program. This program was headed by Eden Harrington and allowed both

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76. Interview with Ana M. Novoa, *supra* note 29.

77. E-mail from Sister Grace Walle, Campus Minister, St. Mary's Univ. Sch. of Law, to author (Jan. 24, 2014, 14:20 CST) (on file with author).

clinic and non-clinic students to serve the community in programs ranging from tax preparation to the drafting of wills.<sup>78</sup> Collaborating with the Community Development Clinic, the Immigration Clinic, and the International Human Rights Clinic, the pro bono program conducted an Earned Income Tax Credit program each winter on successive Saturdays during tax season to assist low-income residents of colonias along the border file for the tax credit.<sup>79</sup> This program was the genesis for the law school's VITA program a decade later and eventually the Tax Controversy Program in the Civil Justice Clinic.<sup>80</sup>

Congruent with her own commitment to justice for the poor and in opposition to the death penalty, at the first celebration of Our Lady of Guadalupe at the Center, Dean Aldave invited Sister Helen Prejean to offer her reflections at the mass celebrating the feast day on December 12 in 1996. Sr. Helen's work with death row inmates inspired students, staff, and faculty that day as the spirit of legal and social justice to which the Center is dedicated. The Center for Legal and Social Justice continues to celebrate the feast of our Lady of Guadalupe every year, and each year the Santa Maria Justice Award is presented to an individual or group who has made outstanding contributions to the advancement of legal and social justice.

The synergy generated by the proximity of all the clinics under one roof led to a period of growth and collaboration. For example, the Civil Justice Clinic won a grant from the federal Office of Violence Against Women to provide legal services for immigrant victims of domestic violence. Thus the Civil Justice Clinic could serve clients of the Immigration and Human Rights clinics who needed help with divorces, custody, terminations of parental rights, name changes, wills, and so on.<sup>81</sup> Through this Battered Immigrant Civil Legal Assistance (BICLA) grant, the Civil Justice clinic added Dayla Pepi first as a Staff Attorney, then, in an important and forward-looking move, as a Clinical Fellow.<sup>82</sup>

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78. E-mail from Eden E. Harrington, Assoc. Dean for Experiential Educ., The Univ. of Tex. Sch. of Law, to author (Mar. 10, 2014, 19:40 CDT) (on file with author).

79. Telephone Interview with Monica Schurtman, *supra* note 61; *see also* Jon C. Dubin, *Clinical Design for Social Justice Imperatives*, 51 SMU L. REV. 1461, 1495 n.182 (1998) (explaining how faculty, students, and staff travelled to Webb County to help low income workers with their income tax).

80. *See infra* Section IX (describing the Tax Controversy and Volunteer Income Tax Assistance programs and their effects within the community, as well as students' experiences).

81. E-mail from Dayla S. Pepi, Clinical Professor of Law, St. Mary's Univ. Sch. of Law, to author (Sept. 8, 2014, 18:32 CDT) (on file with author).

82. *See infra* Section IX (explaining the importance of Clinical Fellows to the expansion of the clinics).

When the Criminal Justice Clinic joined the other clinics at the Center for Legal and Social Justice in 1996, it too embarked on a period of growth and experimentation. Professor Placido Gomez joined as a faculty member<sup>83</sup> and Cecelia Espinoza as a Supervising Attorney. The faculty worked on developing a manageable yet challenging syllabus and accepting a balance of cases that would provide good pedagogical experiences for the students.<sup>84</sup>

Students in the Immigration Clinic, International Human Rights Clinic, and the Community Development Clinic frequently worked together in this collaborative milieu of the Center for Legal and Social Justice with students in other clinics. For example, Community Development Clinic students worked with a group of clients of the Immigration and International Human Rights clinics who were filing petitions under the Violence Against Women Act to organize a community garden at the Center for Legal and Social Justice. According to Professor Leos, the process of organizing a coalition and planning a project not only resulted in a place to grow the vegetables and herbs that were familiar to them from their home countries but also helped the women to move forward in their efforts to gain social justice for themselves and their families.<sup>85</sup>

The collaboration of students in the Community Development Clinic with those in the International Human Rights Clinic to work with residents living near Kelly Air Force Base to secure the clean-up of the toxic residue in residential areas near the base because of the chemical dumping that had gone on for years, is described above.<sup>86</sup> As noted, this collaboration led to the community's continued representation by the Community Development Clinic, even following the elimination of the International Human Rights Clinic in 2000, to empower those residents.<sup>87</sup>

The collaborative energy created by the Center for Legal and Social Justice spilled beyond its walls as well. In the late 1990s, the clinicians at St. Mary's were invited to participate in a consortium of four law schools chosen for their strong clinical programs to create a "longitudinal" law

83. Professor Gomez served half-time on the doctrinal faculty teaching evidence and property and half-time on the clinical faculty. E-mail from Stephanie Stevens, *supra* note 44. This arrangement became an important factor in the clinics' stability during the period of consolidation described in Section VIII.

84. *Id.*

85. E-Mail from Frances Leos Martinez, *supra* note 70.

86. *Id.* (May 23, 2014, 12:58 CDT); *see supra* Section VI (describing clinic students' efforts to work together and clean up toxic residue, which was a result of chemical dumping that had taken place for several years and could have led to groundwater contamination).

87. E-Mail from Frances Leos Martinez, *supra* note 70.

school.<sup>88</sup> The George Soros Open Society Institute awarded St. Mary's a two-year grant of \$500,000.00 to create a Community Legal Resources Network among its graduates, particularly its clinical graduates, to help address unmet community legal needs through networks of alumni in solo and small community-based practices. The St. Mary's proposal called for the implementation of modern technology to link geographically diverse and isolated practitioners in underserved South Texas communities to one another and, critically, to faculty. The program also would have provided legal resources that would simulate the benefits of a large practice, in other words, helping graduates put their clinical training into practice in the areas that needed it most.<sup>89</sup> Sadly, the grant and this program did not survive a change in law school administration.

Not long after Dean Aldave brought together the clinics and all their programs at the Center for Legal and Social Justice, another important change occurred: the grant of formal faculty status and voting rights to the clinical faculty. While some faculty members, namely Professor Dubin and Professor Novoa, were traditionally tenured or tenure-track, most clinicians had been hired on short-term contracts.<sup>90</sup> However, in 1996 the ABA changed its Standard 405 from a precatory "should" to a mandatory "shall" regarding clinical status and voting rights.<sup>91</sup> The law school faculty debated and eventually voted to create formal faculty status for clinicians with long-term contracts and voting rights for non-tenure track clinicians.<sup>92</sup> Although this change may not have been obvious to students or in the day-to-day operations of the clinics, it put the clinics and their faculty on a more even par with the traditional faculty, no longer the step-children that Professor Crosby had decried,<sup>93</sup> but instead Clinical Professors of Law.

### VIII. CONSOLIDATION

After 1998 and a change in the law school's administration, funding and

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88. The other law school clinical programs to receive Soros OSI grants were the City University of New York School of Law at Queens, Northeastern University School of Law, and the University of Maryland School of Law. Dubin, *supra* note 79, at 1503.

89. See *id.* at 1503–04 for a full description of the Soros OSI grant and the CLRN program.

90. Clinicians were also funded with "soft" money, i.e., grants.

91. See A.B.A. STANDARDS & RULES OF PROCEDURES FOR APPROVAL OF LAW SCH. ch. 4, Standard 405(c) (2014) ("A law school *shall* afford to full-time clinical faculty members a form of security of position reasonably similar to tenure, and non-compensatory perquisites reasonably similar to those provided other full-time faculty members." (emphasis added)).

92. E-mail from David Dittfurth, *supra* note 1; E-mail from Jon C. Dubin, *supra* note 2.

93. Telephone Interview with Mary Anne Crosby, *supra* note 3; see *supra* note 11.

support for the clinics were constricted. Two clinics, International Human Rights and Community Development, were eliminated. Therefore, faculty departed and clinics were forced to consolidate. As described above, International Human Rights and Immigration became as one again, and the Community Development Clinic initially merged with the Civil Justice Clinic but subsequently faded away after three years. Professor Dubin left in 1999, followed by Professor Schurtman, Professor Pokorak, and Professor Leos. Professors Gomez, Espinoza, and Harrington also departed soon after. The Soros Open Society Institute grant was not renewed, and its program was stillborn. There was concern that other creative programs that these professors initiated might wither away as well.

However, clever management by the new Director of the Clinical Program, Professor Ana Novoa,<sup>94</sup> preserved the heart of the clinics and their mission and developed new and innovative programs to serve both law students and underserved communities, even under these challenging and difficult circumstances. For example, she opened the Civil Justice Clinic to second-year law students who participated in direct outreach to homeless shelters (San Antonio Metropolitan Ministries, Salvation Army, etc., with regular hours and visits to others as requested).<sup>95</sup> She included first semester second-year students on casework in the capacity of litigation support, and she encouraged first the development of consumer advocacy and more recently representation in tax controversy cases. She supported the pro bono Earned Income Tax Credit program and instituted several new pro bono opportunities.<sup>96</sup> As federal funding, such as that for the BICLA project through the Office of Violence Against Women was reduced, she found other sources to support the work of the clinics, such as the Texas Crime Victims Civil Legal Services funded by the Texas Equal Access to Justice Foundation.<sup>97</sup> She adopted flexible policies that preserved the nucleus of each remaining clinic's programs, maintained their critical personnel, and provided basic support for their essential clinic

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94. Following the departure of Professor Dubin in 1999, Professor Novoa and Professor Pokorak were appointed as co-directors. After Professor Pokorak's departure in 2001, Professor Novoa served as "acting" director for several years until she was finally recognized with the title that matched the duties she had been performing, Director of the Clinical Program.

95. Interview with Ana M. Novoa, *supra* note 29.

96. See *infra* section IX (illustrating the changes made within the legal clinical programs under the appointment of Associate Dean Novoa, such as the growth in pro bono programs and an increase in faculty written articles).

97. E-mail from Dayla S. Pepi, *supra* note 81. The Texas Equal Access to Justice Foundation is now the Texas Access to Justice Foundation.

needs.<sup>98</sup> As former Professor Jeff Pokorak points out, many people still understood that clinical legal education was at the heart of the university's social justice mission,<sup>99</sup> and therefore it was crucial that the fledgling program which had already been honored nationally by the American Bar Association,<sup>100</sup> even in its infancy, must not be allowed to wither or die.

Therefore during these years, members of the doctrinal faculty also participated in clinical teaching and supervision. Contract, employment, and civil rights law Professor Amy Kastely stepped into the Civil Justice Clinic to supervise consumer and contract cases and did so for several years, including a memorable jury trial involving an arcane point of law: adverse possession. Under her supervision, the students won this difficult case. Similarly, Professor Gerald Reamey spent a semester supervising students in the Criminal Justice Clinic during the 2001–2002 academic year.<sup>101</sup> He has also frequently lectured in the classroom component and helped students with particular issues in their cases,<sup>102</sup> just as he had done in the 1980s when Professor Crosby needed his help. Likewise, when their cases have called for specialized knowledge, clinic students have often found willing experts among the doctrinal faculty.

## IX. EXPANSION

In 2007, another change in law school administration took place—Professor Charles Cantu became Dean. This development led to brighter

98. Interview with Ana M. Novoa, *supra* note 29.

99. Telephone Interview with Jeffrey Pokorak, *supra* note 39. Indeed, this theme was central to the publications of several St. Mary's faculty involved with the clinics in the late 1990s. *See generally* Aldave, *supra* note 38 (emphasizing the importance for a Catholic law school “to aid the poor and the homeless, immigrants and refugees, the young and the elderly, and inhabitants of death row” in order to reflect an ethical, honest, and compassionate coexistence between professionalism and intellectualism); Dubin, *supra* note 79 (re-exploring the development of clinical education, the missions of clinical legal education, and reconciling goals that reflect a service-orientated mission, while illustrating a case study to exemplify “social justice-oriented clinical design”); Sr. Grace M. Walle, *Doing Justice: A Challenge for Catholic Law Schools*, 28 ST. MARY'S L.J. 625 (1997) (illustrating the difference between “biblical” justice and the democratic justice, and emphasizing the hurdles law schools face in teaching their students to advocate for justice).

100. *See infra* Section X for a description of the American Bar Association's Law Student Division's Public Interest Award presented to the clinical program at St. Mary's University School of Law for AY 1996–1997.

101. E-mail from Gerald S. Reamey, Professor of Law, St. Mary's Univ. Sch. of Law, to author (Nov. 11, 2014, 22:06 CST) (on file with author).

102. E-mail from Gerald S. Reamey, *supra* note 101 (Oct. 16, 2014, 3:03 PM). When Professor Colin Marks joined the law school faculty in 2006, he taught doctrinal courses half-time during his first year and taught half-time in the clinic, supervising primarily Social Security cases. E-mail from Colin P. Marks, Professor of Law, St. Mary's Univ. Sch. of Law, to author (Nov. 4, 2014, 09:17 CST) (on file with author).

times for the clinics.

A structural change implemented by Dean Cantu exemplified the importance of experiential education to the students as well as to the faculty: he created the post of Associate Dean for Clinical Education and Public Interest and appointed Professor Ana Novoa to this position. Associate Dean Novoa could now grow the clinics with additional post-graduate clinical fellows, increasing both the number of students who could be accommodated as well as the number of clients who could be served. She could now also grow pro bono programs such as the People's Law School, ID Recovery, the TRLA (Texas Rio Grande Legal Aid) Family Law Clinic, the Veterans Clinic, the Wills Clinic, the Ask-A-Lawyer program, and the Restorative Justice Initiative. In fact, so many St. Mary's law school students now participate in these pro bono opportunities that when the Law Student Pro Bono College was founded in 2013 as an extension of the State Bar's Pro Bono College, nearly half of its founding members were students of St. Mary's University School of Law.<sup>103</sup>

In addition to this structural change, Clinical Professor Lee Terán cites the administrative support for fundraising<sup>104</sup> and time to write as two more of the most significant areas contributing to the expansion of the clinics in recent years.<sup>105</sup> The pressure of supervising students handling live-client cases makes writing academic articles particularly difficult for clinical professors. However, allowing clinical professors to have summers off (without a reduction in salary) has resulted in several recent articles by the clinical faculty like those noted below.<sup>106</sup> Professors Terán and

103. The Law Student Pro Bono College recognizes students enrolled at all Texas law schools who have completed at least "50 hours of eligible pro bono services within a 12-month period." *St. Mary's Law Leads Way in Establishing Law Student Pro Bono College*, ST. MARY'S UNIV. (Oct. 23, 2014), <https://www.stmarytx.edu/st-marys-law-leads-way-establish-law-student-Pro-Bono-College>.

104. During Dean Cantu's term as dean of the law school and under Associate Dean Novoa's leadership, grant funding for the clinics more than doubled, and funding from both grants and awards more than tripled as compared to 2007, the last year of the previous administration. E-mail from Ana M. Novoa, Assoc. Dean for Clinical Educ. & Pub. Int., St. Mary's Univ. Sch. of Law, to author (Nov. 19, 2014, 17:07 CST) (on file with author). Dean Cantu often noted these fundraising successes in his communications with the law school community. See, e.g., E-mail from Charles Cantu, Dean (2007–2014), St. Mary's Univ. Sch. of Law, to St. Mary's Univ. Sch. of Law Cmty. (Nov. 15, 2013, 08:15 CST) (on file with the *St. Mary's Law Journal*) ("I am happy to report the Center has received nearly \$372,000 in grants this semester, four of which were received in the last few weeks. The grant awards will enable the Center to continue to make a difference and assist the community, continuing [its] great work.").

105. Telephone Interview with Lee Terán, *supra* note 48.

106. Recent articles written by clinical professors include: Genevieve Hébert Fajardo, "Owner Finance! No Banks Needed!" *Consumer Protection Analysis of Seller-Financed Home Sales: A Texas Case Study*, 20 GEO. J. ON POVERTY L. & POL'Y 429 (2013); Lee J. Terán, *Mexican Children of U.S. Citizens: "Viges Prin" and Other Tales of Challenges to Asserting Acquired U.S. Citizenship*, 14 SCHOLAR 583 (2012).

Fajardo, like other clinical professors, enjoy the unique ability to examine in their writing the issues that are raised by their students' cases.

Presently, the Civil Justice Clinic continues to offer interdisciplinary services: family law, consumer cases, social security appeals, wills and probate, and now tax controversies. Because the course is now offered to second-year students as well as third-year students, the Civil Justice Clinic can also perform outreach services and community education as well as support litigation,<sup>107</sup> in addition to handling cases directly involving litigation. Besides Dean Novoa, there are currently three clinical professors of law: Professor Dayla Pepi, Professor Genevieve Fajardo, and Professor Karen Kelley, in addition to several clinical fellows and teaching assistants. Professor Pepi continues her work particularly with battered immigrants, as well as supervising cases in family law, probate, and other general civil matters. Professor Kelley began teaching in the Civil Justice Clinic in 2007, supervising Social Security cases.<sup>108</sup> Professor Fajardo joined the faculty in 2008. She supervises consumer law cases.<sup>109</sup>

Supported by a grant from the Texas Access to Justice Foundation, the Civil Justice Clinic established a program of periodic Saturday service trips to border communities, primarily Laredo and Eagle Pass. Each trip includes several students as well as a member of the clinical faculty and/or a clinical teaching fellow, who offer the same range of interdisciplinary legal services as they do in San Antonio at the Center for Legal and Social Justice.<sup>110</sup>

New programs, such as the Tax Controversy Program of the Civil Justice Clinic,<sup>111</sup> serve both clients and students in many ways. The Tax Controversy Program revives a transactional component to clinical legal education at St. Mary's. It assists individuals and self-employed taxpayers in disputes involving the Internal Revenue Service. Both second and third-year students may enroll in the program and can provide legal services to clients at all levels of conflict with the IRS. The clinic students represent clients in Tax Court, Federal Court, the Court of Federal Claims, and before the IRS under the supervision of an attorney authorized to practice in those venues. Students are also authorized by the Low Income

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107. Interview with Ana M. Novoa, *supra* note 29.

108. E-mail from Karen Kelley, Clinical Professor of Law, St. Mary's Univ. Sch. of Law, to author (Nov. 3, 2014, 22:40 CST) (on file with author).

109. E-mail from Genevieve Fajardo, Clinical Professor of Law, St. Mary's Univ. Sch. of Law, to author (Nov. 4, 2014, 11:55 CST) (on file with author).

110. Interview with Ana M. Novoa, *supra* note 29.

111. Like the Community Development Clinic in its later years, 2001–2004, Tax Controversy operates as a component of the Civil Justice Clinic. *Id.*



Taxpayer Clinic (LITC) grant to provide education and outreach for low-income non-English speakers (the ESL component). The ESL component is staffed by both law and business students.<sup>112</sup> A clinical fellow assists in the supervision of the controversy cases and manages the ESL component and the Volunteer Income Tax Assistance (VITA) program.<sup>113</sup>

VITA is a joint effort between the Center for Legal and Social Justice and the Bill Greehey School of Business. In 2013, more than 100 volunteers, from law and business students to faculty and alumni, contributed nearly three thousand hours<sup>114</sup> to process approximately 1,200 returns and recover over two million dollars to low-income taxpayers in the 2013 tax season.<sup>115</sup> The VITA program volunteers are jointly supervised by the law school and the business school.<sup>116</sup>

Homelessness is still a major focus of the Civil Justice Clinic. Although individual shelters such as Visitation House, the Salvation Army, and San Antonio Metropolitan Ministries (SAMM) provided a variety of services for their residents, there was not previously the kind of community-wide initiative that Ms. Mendez Herrera envisioned to address homelessness in San Antonio. However, propelled by investment from San Antonio's business community under the leadership of Valero Energy Corporation's and now Nu-Star Energy's Bill Greehey<sup>117</sup> and the SARAH coalition of service providers, the city broke ground in 2007 on Haven for Hope,<sup>118</sup>

112. *Id.* This "Low Income Taxpayer Clinic" grant comes from the IRS. *Tax Clinic Program*, ST. MARY'S UNIV., <http://law.stmarytx.edu/academics/center-legal-social-justice/tax-clinic-program/#313003> (last visited Apr. 7, 2015).

113. Interview with Ana M. Novoa, *supra* note 29. Each year, St. Mary's University runs a VITA site at the Center for Legal and Social Justice during the spring tax season. Like other clinic students, the LITC students engage in the supervised practice of law; however if their cases involve issues of past due returns (some are many years past due), amended returns, or ITINs (Individual Taxpayer Identification Numbers), that portion of their case must be referred to the year-round VITA program. Preparation of tax returns is not within the purview of the LITC. E-mail from Ana M. Novoa, *supra* note 104 (Nov. 17, 2014, 08:17 CST).

114. *Volunteer Income Tax Assistance (VITA) Program*, ST. MARY'S UNIV., <https://www.stmarytx.edu/academics/business/real-world-experience/vita-program/> (last visited Apr. 7, 2015).

115. *Id.*

116. Interview with Ana M. Novoa, *supra* note 29; *see also Volunteer Income Tax Assistance (VITA) Program*, *supra* note 114.

117. Bill Greehey's vision, energy, funding, and fundraising were key to convincing other business and civic leaders to join the Haven for Hope project. E-mail from Ana M. Novoa, *supra* note 104 (Nov. 17, 2014, 08:17 CST).

118. William E. (Bill) Greehey, THE GREEHEY FAMILY FOUNDATION, <http://www.greeheyfoundation.org/biography.html> (last visited Apr. 7, 2015).

which opened in 2010.<sup>119</sup> The Haven for Hope campus has become a model to the rest of the country for providing focused services to the homeless, unifying the majority of San Antonio's services for the homeless in one place. As Ms. Mendez Herrera and other providers of legal services saw early on, the legal services alone are far too big a project for one person or even one group. Now, the Civil Justice Clinic provides legal services through two attorneys and several students at Haven for Hope each term.<sup>120</sup> More students mean that more legal issues can be addressed. Further, pro bono students also assist clinic students in the critical work of ID recovery, helping clients obtain birth certificates and other documents they need to recover identification that may have been lost or stolen. This ID recovery has an important domino effect, allowing the once homeless clients to be eligible for shelter, medical care, and employment.<sup>121</sup>

Despite the centralization of homeless services at Haven for Hope, Civil Justice Clinic students are still on call to the remaining shelters in Bexar County such as Salvation Army, Seton Home, Visitation House, Safe Havens, Guadalupe Home, the Strong Foundation, and even on occasion the Battered Women's Shelter, to assess the legal needs of clients, provide limited service, and, if appropriate, refer extended service and litigation matters to the Center for Legal and Social Justice.<sup>122</sup> Because of both community involvement and the integration of other university programs—such as pro bono students and students from the business school in the year-round VITA<sup>123</sup> program—a wide range of legal services can be met by Civil Justice Clinic students at the Center for Legal and Social Justice.

The Criminal Justice Clinic has developed a program complementary to the Civil Justice Clinic's focus on homelessness to help homeless people charged with Class C misdemeanors. Because there is no possibility of incarceration for a Class C offense, an indigent citizen is not entitled to a court-appointed attorney. However, a Class C offense can prevent a

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119. Haven for Hope is "a place of hope and new beginnings" for homeless people in Bexar County offering not only a safe sleeping program, but also a "Transformational Campus" with services and shelter "addressing the root causes of homelessness." *FAQs*, HAVEN FOR HOPE, <http://www.havenforhope.org/new/FAQs.aspx> (last visited Apr. 7, 2015).

120. RAICES and TRLA also provide legal services at Haven for Hope. E-mail from Ana M. Novoa, *supra* note 104 (Nov. 17, 2014, 08:17 CST).

121. Telephone Interview with Mary Mendez Herrera, *supra* note 25.

122. E-mail from Mary Mendez Herrera, *supra* note 30; Telephone Interview with Mary Mendez Herrera, *supra* note 25.

123. *See supra* notes 114–16.

citizen from seeking aide elsewhere, such as Social Security or housing assistance.<sup>124</sup> Therefore, representation by the Criminal Justice Clinic provides an essential part of the holistic legal services offered to San Antonio's homeless population through the Center for Legal and Social Justice.

Additionally, the Criminal Justice Clinic has developed a wrongful conviction review program focusing on issues such as actual innocence, ineffective assistance of counsel, and prosecutorial misconduct. The Clinic receives numerous letters weekly from people convicted and sentenced to prison seeking legal help for wrongful convictions. The students review the letters, investigate claims for relief, and, if appropriate, prepare writs of habeas corpus. Students in the Criminal Justice Clinic litigate writs for cases involving murder, aggravated sexual assault, aggravated assault, felony driving while intoxicated, and more.<sup>125</sup>

The Criminal Justice Clinic also works closely with a local non-profit agency—the George Gerwin Youth Center—that assists young people in finishing their education and finding employment.<sup>126</sup> Many of these clients have experienced minor run-ins with law enforcement as juveniles. These prior experiences can sometimes preclude job opportunities. Criminal Justice Clinic students help prepare the pleadings for sealing these juvenile records and litigate these pleadings.<sup>127</sup>

Today the Criminal Justice Clinic is staffed by Clinical Professors of Law Anne Burnham, who joined the clinical faculty in 2007,<sup>128</sup> and Stephanie Stevens. The clinic course accepts as many as twenty students during the academic year and summer students as well. It has come a long way from the Tower Life Building and judges who would appoint cases only to the students' supervising attorneys. Professor Stevens reports that the attitude of the local courts has changed drastically over the years. Because of the clinic's reputation, the students are now welcomed in trial courts and at the local Fourth Court of Appeals. Many trial judges now appoint the clinic to represent challenging clients because they know that the students will be well prepared and well taught.<sup>129</sup> Over the years their students have had many victories in trial with "not guilty" verdicts, dismissals, and reversals on appeals. But according to Professor Stevens,

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124. E-mail from Stephanie Stevens, *supra* note 44.

125. *Id.*

126. *Id.* (Oct. 7, 2014, 06:27 CDT).

127. *Id.* (Mar. 6, 2014).

128. *Id.* (Nov. 4, 2014, 09:57 CST).

129. *Id.* (Mar. 6, 2014).

these “wins” are not the goal of the clinic. Rather, the goal is to teach students the meaning of zealous, ethical representation and encourage students to continue the practice of pro bono representation once they become licensed attorneys.<sup>130</sup>

Today's Immigration Clinic has again melded some of the work of the former International Human Rights Clinic, and the students in this Immigration and Human Rights Clinic work on a range of immigration, nationality, and asylum cases,<sup>131</sup> including removal, deportation, and even cases involving the Hague convention.<sup>132</sup> Students represent “low-income immigrants and refugees in proceedings before Immigration [c]ourts, the Board of Immigration Appeals, the Department of Homeland Security (DHS) and federal courts.”<sup>133</sup>

In regards to administrative support, especially in terms of funding, Professor Terán lauds the effect that the employment of clinical fellows has had on the Immigration Clinic's caseload, allowing her to expand the number of students and the reach of her supervision.<sup>134</sup> These fellows, all of whom have been clinic students and many of whom have been research assistants, gain an additional two or three years of experience after graduation by handling cases on their own, particularly in an area that interests them or in which they have a career goal. These fellows help supervise students and have discreet projects.<sup>135</sup> For example, one recent immigration fellow conceived and directed the Deferred Action for Child Arrivals (DACA) project. This fellow organized a team of pro bono law students, legal assistants, and other members of the community.<sup>136</sup> In the first year, they handled over one hundred cases with a 100% success rate.<sup>137</sup> Thanks to a “generous grant” from the Texas Access to Justice Foundation (TAJF), the DACA project expanded its services in 2014 to cover the several other counties from San Antonio to Laredo with a goal of one thousand cases.<sup>138</sup> In addition, this fellow and her team

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130. *Id.*

131. As a form of international human rights, asylum has been adopted into the immigration statute. Telephone Interview with Lee Terán, *supra* note 48.

132. *Id.*

133. *Immigration and Human Rights Clinic Course*, ST. MARY'S UNIV., <http://law.stmarytx.edu/academics/center-legal-social-justice/immigration-human-rights-clinic-course/> (last visited Apr. 7, 2015).

134. Telephone Interview with Lee Terán, *supra* note 48.

135. *Id.*

136. *Id.*

137. Jennifer R. Lloyd, *St. Mary's Center Is Batting a Thousand for Immigrants*, SAN ANTONIO EXPRESS-NEWS, Feb. 8, 2014, at A14.

138. Telephone Interview with Lee Terán, *supra* note 48; *see also Deferred Action for Childhood*

discovered that in a small but significant percentage of these cases, at least one family member is entitled to citizenship under other provisions of the law, thus legalizing the entire family.<sup>139</sup> Professor Terán sees the Clinical Fellows program as following and building on the model that the clinical faculty first proposed in its application for the Soros grant<sup>140</sup> in the late 1990s during Dean Aldave's administration. Professor Terán explains that the Fellows program extends the educational benefits of the law school beyond its walls and beyond its three years of study to support its community of graduates as they serve the community of South Texas, especially its underserved communities and low-income clients.<sup>141</sup>

Finally, Professor Terán reflects on the growth of the number of graduates now practicing immigration law in San Antonio and South Texas. When the clinicians applied for the Soros grant in the late 1990s, the number of local immigration lawyers could be counted on one's fingers. Now, graduates of the Immigration Clinic at St. Mary's are sufficiently numerous to have organized a section of the San Antonio Bar Association—the Immigration and Nationality Section—which awards Continuing Legal Education credits at its monthly meetings. Together with graduates of the clinics at the University of Texas and the University of Houston, which followed the St. Mary's clinic model, they have a vibrant bar across South Texas.<sup>142</sup> In 1990, the Refugee Aid Project had one lawyer and little funding; now its successor, the Refugee and Immigrant Center for Education and Legal Services, Inc. (RAICES), has more than a dozen lawyers, four offices, and a dynamic board thanks to graduates of these immigration clinics.<sup>143</sup> Because of them, the future looks bright for the practice of immigration law in South Texas.

With more students clamoring for live client experience, in 2010 the faculty approved a pilot externship program. That summer, the Office of Career Services coordinated with the Clinical Program to offer students academic credit for the first time since the 1980s in a broad range of

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*Arrivals (DACA) Project*, ST. MARY'S UNIV., <http://law.stmarytx.edu/academics/center-legal-social-justice/deferred-action-childhood-arrivals-daca-project/#312982> (last visited Apr. 7, 2015) (noting the grant given by the Texas Access to Justice Foundation would allow the DACA project “to expand its free services to Bexar, Atascosa, Dimmit, McMullen, La Salle, Frio, Zavala, Duval, Webb and Maverick counties”).

139. Telephone Interview with Lee Terán, *supra* note 48.

140. *See supra* Section VII, notes 88–89.

141. Telephone Interview with Lee Terán, *supra* note 48.

142. *Id.*

143. *Id.*

placements outside the law school.<sup>144</sup> The faculty limited the program to governmental and non-profit agencies, and to placements for which students received no monetary remuneration. Retired Clinical Professor Sue Bentch directed this pilot program. Twenty students placed in offices from Austin to Corpus Christi were supervised by agency lawyers,<sup>145</sup> who in turn were in constant contact with Professor Bentch regarding the students' activities and their evaluations. Professor Bentch taught the classroom component and met with students individually on campus and at their placements. Following the success of this pilot program, the Practice Credit Program was launched under the auspices of the Associate Dean for Clinical Education and Public Interest. The program is presently directed by Professor Albert Kauffman and Associate Director Amanda Rivas. Not only do they, in collaboration with the Office of Career Services, provide opportunities and counsel students to help them find external work experiences for credit, they also offer Continuing Legal Education programs for the field supervisors of students in those programs. Students have the option of a traditional externship program with a classroom component or supervised work at the placement in an Independent Study program.<sup>146</sup>

Today, under Associate Dean Novoa's leadership, the Center for Legal and Social Justice embodies the same mission that Dean Barbara Aldave initially envisioned and that Professor Jon Dubin initially brought to

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144. The federal and judicial placements that Professor Schmolesky began supervising in the 1980s have been ongoing (*see* Section I, note 6); they now operate as part of the Practice Credit Program. Telephone Interview with John Schmolesky, *supra* note 2.

145. The participating agencies were as varied as the State Commission on Judicial Conduct, the Mexican American Legal Defense and Educational Fund, the Railroad Commission of Texas, the Coast Guard Legal Affairs Office, both the Consumer Protection and the Child Support Divisions of the Office of the Attorney General of Texas, the Texas Defender Service, the Office of the General Counsel for the governor, Catholic Charities Immigration Services, the Texas RioGrande Legal Aid, the U.S. Equal Employment Opportunity Commission, the Central Texas Community Health Centers, U.S. Citizenship and Immigration Services, and Corpus Christi's City Attorney's Office.

146. Students are encouraged to find placements that interest them. In addition to those listed in note 145, the following are examples of offices and agencies where students have received credit for their work: multiple civil and criminal district courts in Texas, various district attorneys' offices throughout Texas, the Office of the Judge Advocate General, the U.S. Department of Veterans Affairs, the Refugee and Immigrant Center for Education and Legal Services, Inc., the Office of General Counsel for the Bexar County Juvenile Probation Department, Family Violence Prevention Services, Disability Rights Texas, the University of Texas at San Antonio, the Texas General Land Office, the State Bar of Texas, and in-house counsel at various local corporations. Telephone Interview with Amanda Rivas, Practice Credit Program Assoc. Dir., St. Mary's Univ. Sch. of Law (Oct. 15, 2014); *see Examples of PCP Work Sites*, ST. MARY'S UNIV., <http://law.stmarytx.edu/academics/center-legal-social-justice/practice-credit-program/examples-pcp-work-sites/> (last visited Apr. 7, 2015) (listing participating agencies of past externships involved in the Externship Program).

fruition. In its three outstanding clinical courses for second and third-year law students and its ancillary programs, the Center provides “a supportive learning environment for law students who, under the supervision of a faculty member, will be the attorney of record for indigent clients who are not adequately served by other providers.”<sup>147</sup> These clinical programs give students an opportunity to utilize their skills to help individuals in critical need.<sup>148</sup> “Through their clinical work, students at St. Mary’s provide significant service to the community by augmenting the legal resources available to serve the people in San Antonio and South Texas.”<sup>149</sup> The addition of the Practice Credit Program and the expansion of the Pro Bono Program under Associate Dean Novoa further serve both law students and the South Texas community.

#### X. AWARDS

Considering that the first live client, in-house clinic began only in 1990, and that it was rapidly joined by the others described herein over the next five years, the administrative support afforded by Dean Aldave’s administration and the hard work of the students and the faculty to fulfill the mission of the clinical program assured that it did not take long for the clinics to be recognized by the academic and legal communities. This section describes some of these representative awards.

The first was the Public Interest Award from the American Bar Association’s Law Student Division, presented to the Clinical Program for the academic year 1996–1997. The Student Bar Association President who accepted the award on behalf of the law school was herself then a student in the Civil Justice Clinic. Years later, publicity about Dean Aldave still proudly refers to this accomplishment.<sup>150</sup> Professor Dubin recalls that this national recognition helped St. Mary’s Law School reach a ranking of number twenty for clinical training in *U.S. News and World Report* by 1999 or so, quite an accomplishment for an in-house clinical program which had commenced only within that very decade.<sup>151</sup>

Meanwhile locally, the Southwest Community Empowerment Center

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147. *Center for Legal and Social Justice*, ST. MARY’S UNIV., <http://law.stmarytx.edu/academics/center-legal-social-justice/> (last visited Apr. 7, 2015).

148. *See id.* (outlining benefits of the Clinical Program).

149. *Id.*

150. *See Barbara Aldave: A Legal Legacy*, UNIV. OF OR. (Apr. 29, 2013), <https://law.uoregon.edu/2013/04/29/barbara-aldave-a-legal-legacy/> (“During her tenure as dean, the school established seven legal clinics and won a national award from the American Bar Association for its commitment to preparing its students for public-interest careers.”).

151. E-mail from Jon C. Dubin, *supra* note 2.

named the Center for Legal and Social Justice its “Quality of Life Champion,” a public service award presented in 1997. Similarly, the law school’s Hispanic Law Alumni Association presented its Henry B. Gonzalez Award to the Center for Legal and Social Justice in 2001, and in 2004 the Hispanic Issues Section of the State Bar of Texas presented its Pete Torres, Jr. Community Service Award to the Center for Legal and Social Justice.<sup>152</sup> Also in 2004, the State Bar of Texas presented its Pro Bono Award to St. Mary’s Law School in conjunction with the Community Justice Program of the San Antonio Bar Association.<sup>153</sup> Later in 2004, the City of San Antonio Teens Court awarded its Certificate of Appreciation to the Center for Legal and Social Justice for its valuable contributions to the Teen Court.

Sister Grace Walle often refers to the dedication of the faculty, staff, and students<sup>154</sup> that in 2009 and 2013 earned the law school the honor of Law School Commitment to Service Award, presented by the Access to Justice Commission of the Supreme Court of Texas for over nine thousand hours of pro bono service.<sup>155</sup> The Texas Access to Justice Commission presented the first of these awards to the law school on November 16, 2009, citing its “commitment to the provision of legal services to the poor as ‘truly exceptional.’”<sup>156</sup> In response to the announcement of the award, Dean Charles Cantu credited the faculty, staff, and students of the Center for Legal and Social Justice as “truly

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152. See *Hispanic Issues Section Awards and Recipients*, STATE BAR OF TEX. HISPANIC ISSUES SECTION, <http://www.texashispanicissuessection.com/dnn/AboutUs/Awards.aspx> (last visited Apr. 7, 2015) (listing award recipients).

153. The Community Justice Program is a joint project of the San Antonio Bar Association, the Texas RioGrande Legal Aid, and several community organizations including the St. Mary’s University School of Law and the Center for Legal and Social Justice “to provide free neighborhood-based legal services to individuals who may not otherwise have access to the legal system.” At its founding in 2003, one of two sites holding court monthly for the Program was the Center for Legal and Social Justice. Presently the Center for Legal and Social Justice hosts the Community Justice Program’s Wills Clinic. See *Community Justice Program*, SAN ANTONIO BAR ASS’N, <http://www.sanantoniobar.org/?page=91> (last visited Apr. 7, 2015) (explaining the work of the Community Justice Program and providing background information on the program).

154. E-mail from Grace Walle, *supra* note 77.

155. See *School of Law Again Earns Service Award*, ST. MARY’S UNIV. (Nov. 4, 2013), <https://www.stmarytx.edu/school-law-earns-service-award/> (“The Texas Access to Justice Commission has honored the St. Mary’s University School of Law with the 2013 Law School Commitment to Service Award, which the law school also earned in 2009.”).

156. *Law School Honored for Commitment to Service*, ST. MARY’S UNIV. (June 15, 2009), <https://www.stmarytx.edu/law-school-honored-for-commitment-to-service/> (“The Texas Access to Justice Commission was created by The Supreme Court of Texas to coordinate services for people who seek legal representation but may not be able to afford it. The Commission works to reduce barriers to the justice system for low-income Texans.”).



deserving of this accolade as their service and commitment to providing legal services to the poor and disenfranchised of San Antonio and South Texas is truly outstanding.”<sup>157</sup> The second such award, in 2013, was presented to St. Mary's at the New Lawyer Induction ceremony in Austin on November 18 of that year.<sup>158</sup> Once again, the Commission referred to the law school's “commitment to the provision of legal services to the poor as ‘truly exceptional.’”<sup>159</sup> Dean Cantu responded by saying that, beyond the pleasure the faculty, staff and students of the law school and its Center for Legal and Social Justice take in again being recognized for serving the community, “[t]here's value in virtue [and if] we can instill our Marianist mission into legal education and teach our students to make society better, that's reward in itself.”<sup>160</sup>

The Volunteer Income Tax Assistance (VITA) program, has also received national recognition. According to the University's website, the VITA program was recently “recognized by the American Bar Association for its ‘faithful and professional execution of public service by providing tax preparation assistance to low income and under-served communities.’”<sup>161</sup>

In addition to glowing publicity in a thorough front-page article in the local newspaper,<sup>162</sup> the clinical fellow who built the Deferred Action for Childhood Arrivals Project was honored on campus with the Alice Wright Franzke Feminist Award in 2014.<sup>163</sup> Clinical Fellow Adriane Meneses is only the second member of the law school staff so honored.<sup>164</sup> The award recognizes “feminists of the St. Mary's University community who promote peace, empowerment, civic engagement, cooperation, equality,

157. *Id.*

158. *Id.*

159. *School of Law Again Earns Service Award*, *supra* note 155.

160. *Id.*

161. *Id.*

162. See Jennifer R. Lloyd, *St. Mary's Legal Center Expands Help to Undocumented Immigrants*, SAN ANTONIO EXPRESS-NEWS, Feb. 8, 2014, at A1 (“With a 100 percent success rate thus far, the [C]enter has helped nearly 200 low-income teens and young adults [to] apply to defer the possibility of deportation.”).

163. See *Alice Wright Franzke Award*, ST. MARY'S UNIV., <https://www.stmarytx.edu/campuslife/activities/special-lecture-events/st-marys-celebrates/womens-history-month/alice-wright-franzke-feminist-award/> (last visited Apr. 7, 2015) (listing Adriane Meneses as a 2014 recipient of the Alice Wright Franzke Feminist Award).

164. The only member of the law school's staff to be so honored previously was Sister Grace Walle. E-mail from Rey Valencia, Assoc. Dean for Admin. & Fin. & Ernest W. Clemons Professor of Law, St. Mary's Univ. Sch. of Law, to St. Mary's Univ. Sch. of Law Cmty (Feb. 19, 2014, 09:02 CST) (on file with author).

and respect of all persons.”<sup>165</sup>

The Clinical Program achieved national mention again in 2014 when the founder of its first in-house clinic, Professor Jon Dubin, was recognized by the Clinical Legal Education Association (CLEA) with its Outstanding Advocate for Clinical Teachers award<sup>166</sup> at the Association of American Law Schools' national conference.<sup>167</sup> A news release highlighted Professor Dubin's recent contributions as Associate Dean and Professor of Law at Rutgers University School of Law as well as his career at St. Mary's and his commitment to the clinics.<sup>168</sup>

## XI. FUTURE

Although the future of the Clinical Program at the St. Mary's University School of Law looks bright, there are some clouds on the horizon that should be noted and anticipated. One such cloud is that, as the recent

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165. *Alice Wright Franzke Award*, *supra* note 163. Besides Sister Grace Walle, every law school related recipient of this award has been associated with the clinics, from Dean Aldave herself to Associate Dean Novoa, Professor Lee Terán, Professor Amy Kastely, and most recently, in 2014, Professor Dayla Pepi. In addition, St. Mary's clinicians who have been individually honored by the Bexar County Women's Bar Association with the Belva Lockwood Award for Outstanding Lawyer or Outstanding Young Lawyer are again Dean Aldave, Sue Bentch and Dayla Pepi. The San Antonio Women's Chamber of Commerce has also named Professor Pepi one of its "Comets"—"outstanding female leaders who advocate, connect, and empower women in the community." E-mail from Rey Valencia, *supra* note 164 (Nov. 10, 2014, 06:42 CST); *San Antonio Women's Chamber of Commerce Honors Law Professor*, ST. MARY'S UNIV. (Nov. 10, 2014), <https://www.stmarytx.edu/san-antonio-womens-chamber-commerce-honors-law-professor>.

166. E-mail from Jon C. Dubin, *supra* note 16.

[The Outstanding Advocate for Clinical Teachers] award recognizes an individual who has served as a voice for clinical teachers and who has contributed to the advancement of clinical legal education, particularly in the political arena. The criteria for the award are: commitment to the field of clinical legal education; advancement of the field (e.g., by working within organizations that affect the contours of legal education, by writing and speaking about the field, or by serving as a spokesperson for the field in the litigation, legislative, administrative or other arenas); and fostering a spirit of community (e.g., by planning or leading conferences or sponsoring initiatives).

*CLEA Award to an Outstanding Advocate for Clinical Teachers*, CLINICAL LEGAL EDUC. ASS'N, <http://www.cleaweb.org/OAFCT> (last visited Apr. 7, 2015).

167. See *CLEA Award to an Outstanding Advocate for Clinical Teachers*, *supra* note 166 (listing Jon C. Dubin as the 2014 recipient of the Outstanding Advocate for Clinical Teachers Award); E-mail from Jon C. Dubin, *supra* note 16.

168. E-mail from Jon C. Dubin, *supra* note 16; see also News Release, Rutgers Sch. of Law-Newark, Assoc. Dean Jon Dubin Receives Nat'l Award as Outstanding Advocate for Clinical Legal Educ., available at <http://law.newark.rutgers.edu/associate-dean-jon-dubin-receives-national-award-outstanding-advocate-clinical-legal-education> (“[Dubin] founded the first in-house clinic at St. Mary's and spearheaded the institutionalization of its nascent clinical program, which had expanded to five clinics, before coming to Rutgers.”).

history of the clinics demonstrates, administrative disfavor can have a chilling effect on the work of the clinics, squandering respect that the program had built in the community and the nation. However, one hopes now that the program has grown beyond its fledgling stage and reached a quarter of a century of achievements on which to stand, its record will help it survive the vicissitudes of administrative swings.

The second potential cloud is the aging of the Clinical Program's faculty. Several of the clinic's pioneers are either approaching retirement<sup>169</sup> or have already retired.<sup>170</sup> Especially critical is the looming retirement of Dean Novoa, who has in fact been performing three jobs: clinic administration, which includes directing not only all the clinics, but also the Pro Bono program and the Practice Credit Program; overseeing the finances of all these entities; and writing grant applications as well as administering and accounting for grants awarded to them. Can even three people adequately perform her role as Associate Dean?<sup>171</sup> Fortunately, the clinical faculty, practically from the beginning, has been proactive in recruiting and nurturing younger faculty, such as Professor Stephanie Stevens early on in the Criminal Justice Clinic and Professor Dayla Pepi nearly as early in the Civil Justice Clinic.<sup>172</sup> They in turn are now senior members of the clinical faculty. With the addition of faculty like Karen Kelley and Genevieve Fajardo in the Civil Justice Clinic and Anne Burnham in the Criminal Justice Clinic, and with the innovation of clinical fellows and teaching assistants who are learning both the intricacies of the substantive law and the methods of clinical teaching, Dean Novoa has worked to assure the growth and continued vitality of the clinical faculty.

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169. Professor Lee Terán will begin a phased retirement in 2015. E-mail from Lee Terán, Clinical Professor of Law, St. Mary's Univ. Sch. of Law, to author (Nov. 20, 2014, 10:55 CST) (on file with author).

170. Professor Sue Bentch retired in 2005.

171. In fact, since the writing of this article, Dean Novoa has announced her intention to relinquish the post of Associate Dean for Clinical Education and Public Interest in the summer of 2015. Email from Stephen Sheppard, Dean, St. Mary's Univ. Sch. of Law, to St. Mary's Univ. Sch. of Law, to St. Mary's Univ. Sch. of Law Cmty. (Jan. 12, 2015, 14:45 CST) (on file with author). While the clinic faculty and the faculty's clinical committee are planning for a workable reorganization, Dean Novoa is working diligently with Karen Kelley, named as the new Assistant Director of Clinics, to assure a smooth transition. At the same time, while she continues serving on the tenured faculty, Dean Novoa has agreed to assist in the planning and implementation of the transfer of all clinic records to an internet based document management provider. Email from Ana M. Novoa, *supra* note 104 (Apr. 1, 2015, 09:05 CDT).

172. As described above, Professor Stevens joined the Criminal Justice Clinic as a supervising attorney in 1996; she is now a clinical professor of law. Professor Pepi joined the Civil Justice Clinic as the first clinical fellow in 2000 and is now one of its clinical professors of law.

## XII. CONCLUSION

Nearly twenty-five years later, the seeds that Dean Aldave sowed are blooming and flourishing. In Professors Dubin, Novoa, Terán, Schurtman, Pokorak, Leos, Stevens, and others, Dean Aldave pursued and chose committed pioneers to create and grow these clinical programs and nurtured them by seeking generous grants and offering unwavering administrative support and a clear and compelling vision. She encouraged networking that led to cooperative ventures like the Soros project. Although that project, at least on the St. Mary's campus, fell on barren ground after her departure, and some of the individual clinics and clinicians withered as well, those seeds conserved their energy, waiting for the right environment to burst forth again as they have done in recent years in collaborative programs such as VITA, the Haven for Hope, and the DACA project. Now, under the leadership of Dean Novoa, Dean Aldave's vision has fulfilled its early promise. Thanks to the hard work of clinical students and faculty in the ensuing years, the Clinical Program at St. Mary's University School of Law is again thriving and its graduates are making their impact felt in San Antonio and across Texas. Dean Aldave's clear and compelling vision of what a Catholic law school should be about and her creation of the Center for Legal and Social Justice to support the mission of the University and the law school have blossomed into vibrant clinics of which she would be proud. These clinics have made her goal a reality.