Clinic Teams with Ohio Attorney General to Stop Deceptive Practices

It started as a single case of credit card companies using deceptive practices to lure Ohio State students into applying for credit cards. Students were handed fliers that indicated they could get a “free sandwich and drink,” but they weren’t told that in order to receive that sandwich they were required to sign up for a credit card.

The Ohio State University Moritz College of Law Civil Law Practicum represented two students in their civil lawsuit who were victims of such practices. But, after that suit was settled a few years ago, the deceptive solicitations continued.

So the Practicum took its research to the Ohio Attorney General Marc Dann. In September, in an unprecedented partnership, Attorney General Dann announced that his office would team with the Civil Law Practicum to file lawsuits against Citibank, a marketing firm, and two off-campus restaurants. As Attorney General, Dann has more expansive remedies available in these types of cases than the remedies available when cases are brought by private individuals.

“This is a tremendous opportunity for our students to gain hands-on experience, and it is a win-win situation for both the AG’s office, Moritz, and, most importantly, OSU students,” said Gregory Travalio, Director of Clinical Programs at Moritz.

Two clinical faculty members – Travalio and Elizabeth Cooke – have been appointed special counsel to the state to oversee the cases. Two third-year law students – Nicolas Brentlinger and Christina McClain – began work on the cases in the Civil Practicum this fall. Both students said that they never expected to be a part of such a high-profile case, which was reported in newspapers and television stations throughout the state.

“It has been exciting for me because it was the first collaboration with the Attorney General’s office,” Nic said. “I think it is a unique case for the clinical program. It has definitely gotten more publicity” than any other clinic case.
Changing of the Guard: New Clinic Leadership Next School Year

Travalio to Step Down as Clinics Director

Professor Gregory Travalio would be first to admit that when he started at The Ohio State College of Law nearly 30 years ago he didn’t necessarily plan to stay as long as he has.

“It’s not like I had any plans to leave,” he said. “But I never expected to stay this long. I had never been to Columbus before I came to teach here. What I discovered was a great city and a terrific group of faculty and students. I can’t think of any better place to be a law professor.”

Travalio, who currently is directing the Moritz College of Law’s Clinical Programs, will retire following the end of the 2007-08 school year. Travalio, who has twice served as associate dean of the College, has led the school’s clinics for the past three years, and taught in the civil clinic for the past 13 years.

“Professor Travalio has led with dedication, enthusiasm, sound judgment, and kindness,” Ohio State Moritz College of Law Dean Nancy Rogers said.

Travalio said that, in his years at the College, he has overseen several cases in the College’s Civil Practicum that returned to him years later and asked if he would like to teach the practicum once again.

“I never expected to like it as much as I did,” he said. “For me, it was a wonderful melding of being a professor and being closer to the actual practice of law.”

Huefner to Take Over Moritz Clinical Programs in 2008-09 School Year

By Nick Tomassini
Contributing Writer

Visit Professor Steven Huefner’s office for the first time and you might be surprised to see a large blueprint of a train engine on the wall next to his desk. The blueprint is a reminder of Huefner’s past life working on railroad litigation.

“I was learning all kinds of fascinating things about the railroad industry that I might not have otherwise known,” he said. “It’s not just that I had an interest in trains, either. I’ve discovered that lots of things can be quite interesting if you understand the details.”

Next year, Huefner will become the director of the clinical programs at The Ohio State University Moritz College of Law. It is the latest stop in his legal career. After living in Japan for a couple of years as a church volunteer, he received a fellowship to study Japanese law and language while attending Columbia Law School.

“Through my studies I was able to make contacts with a firm in Tokyo,” Huefner said. “They brought an American law student over every year to give them exposure to Japanese law and I was fortunate enough to be picked. I jumped at the opportunity.”

Huefner was drawn to an academic career even before attending law school.
Real Estate Class Already Making Impact

Course Designed to Provide Students Hands-on Experience

Although not a clinic, the real-world nature of The Ohio State University Moritz College of Law’s new real estate development law course is becoming popular amongst students. Realizing a growing need for knowledge in the area of real estate law, Moritz created the class in the 2006-07 school year to better prepare students interested in the legal aspects of real estate and development.

“The need for well-qualified real estate attorneys is increasing each year,” said Rick Daley, a senior lecturer in law at Ohio State and instructor of the course. “By creating this class, it is our hope that Ohio State students will be better equipped to hit the ground running once they embark on careers as practicing lawyers.”

Daley, a seasoned veteran in development law, designed the class to give students as much hands-on experience as possible. They work through real development deals and participate in mock negotiations, client conferences, and hearings on a regular basis.

The success of the program has had almost immediate results. Ryan Crossley ’07, who was in the inaugural course, was hired by Columbus-based Kayne Law Group, a small boutique firm that specializes in all aspects of real estate development law. Crossley attributes Daley’s course to him landing the job.

“The class simulated an associate’s role in a real estate law firm,” Crossley said. “Professor Daley was the partner, and we were working to try to get a deal done. It was so meaningful because we were working through replicated real estate deals that Professor Daley had done before.”

The funding and idea for the course came from Ken Zeisler ’61, who pitched the proposal and donated $250,000 to get the two-year pilot program on its feet. Zeisler’s vision was to give law students the opportunity to get more practical experience in real estate development law.

“I think it is an absolutely great idea,” said Professor Gregory Travailio, who is the director of the Moritz Clinical Programs. “And, one day, I think it would make a great clinical experience.”

Daley says that at some point down the road he would hope that the real estate program could work with a business transactions clinic to provide Moritz students with first-hand knowledge of what it’s like representing a business client. The files worked on by the transactional clinic could consist of a combination of active client matters, as well as “closed deal” files supplied by local law firms.

Daley’s professional background includes 12 years in private practice as a partner with Squire, Sanders & Dempsey LLP and 13 years as executive vice president and general counsel of The Pizzuti Companies, a regional developer headquartered in Columbus.

Daley uses his experience in the field to walk his students through development deals that he worked on first-hand. He also has invited real estate attorneys and developers to visit the class as guest speakers to share their insights with the students.

Daley commented that the high starting salaries that law firms now pay first-year associates has caused the law firms to be much less tolerant of students who have not received law school training in client relationship building and the many other skills that lawyers must possess if they are going to successfully practice in the real estate field.

“My goal is to give the students at least some minimal, exposure to the types of things that they will be called on to do in the course of representing clients in the real estate business,” Daley said.

That seems to be happening. Stephanie Jandik, a 3L at the Moritz College of Law, was a member of the inaugural real estate class and graduated from Moritz in December. She will begin working as an associate with Bricker & Eckler LLP in Columbus, where she is currently working part-time. Jandik said that as soon as she began her job she started dealing with issues that were directly simulated in the class.

“I sat in on a lease negotiation where certain clauses had been rewritten and were being argued,” Jandik said. “It was just like our class simulation, except there was a real client. After the discussion, I was able to ask intelligent questions as to why certain provisions had been added and others omitted. The class was a tremendous help.”

— Professor Rick Daley
Kate Federle Takes on Double Duty by Leading Two Initiatives

Professor Kate Federle, who serves as the director of the Justice for Children Project, assumed an additional role this year as the director of the Center for Interdisciplinary Law & Policy Studies, which is committed to the promotion of interdisciplinary research, teaching, and public outreach designed to shed light on the nature and operation of law and legal institutions, as well as the impacts of law on society and culture.

Federle, who joined the Ohio State faculty in 1998, has become a widely recognized leader in children’s rights and how the law relates to children. After graduating from law school at Seattle University, where she was Managing Editor for the Law Review and President of the Public Interest Law Foundation, Professor Federle was a public defender in the state of Washington. She then received a prestigious E. Barrett Prettyman Fellowship from Georgetown University Law Center in 1984, where she supervised third-year law students in the Juvenile Justice Clinic and represented children and adults in both the D.C. court system and the federal courts.

Professor Federle began teaching in 1986 at the University of Hawaii School of Law where she held a dual appointment as a researcher at the Center for Youth Research. Professor Federle is a past chair of the American Bar Association Family Law Section's Committee on Juvenile Law and the Needs of Children. While serving as chair, Professor Federle helped draft the ABA's Standards for the Representation of Children in Abuse and Neglect Cases.

10 Questions with Professor Federle

Q Although you have substantial experience practicing and teaching in the criminal law field, your primary specialty is in the field of children and the law. You began your professional legal career as a public defender—how did you first become involved in the field of children and the law?

A I became interested in the field as a law student. During the summer of my first year, I worked in a public defender office in Seattle. One of the cases I was assigned involved a juvenile who had been transferred to criminal court for trial. He had been acquitted but subsequently was charged with a new offense in criminal court. I wrote a memo arguing that the juvenile should be tried in juvenile court, because the basis for the original transfer proved invalid. The trial court agreed and dismissed the charges. The issue eventually was heard by the Washington Supreme Court—where we lost.

Q In addition to teaching the Justice for Children Practicum and a number of other courses, you are also director of the Justice for Children Project at Moritz. What are some of the things the Project has been involved in over the past few years?

A The Justice for Children Project is dedicated to improving the lives of children and their families by engaging in law reform. The Project does this in a number of ways. First, the Project sponsors interdisciplinary symposia. The most recent focused on brain research and the implications of these scientific findings for the juvenile justice system. Second, the Project also engages in original research. Recent publications include work on brain research, competency, and mens rea. Third, the Project is actively engaged in legal reform by filing amicus briefs on behalf of children, testifying before legislative bodies, and participating in the drafting of model laws and court rules.

Q The Project obviously is a strong advocate for legal reform in this field, but it is also an institution that educates students and practitioners about how to practice in this field. How do you balance the Project’s dual purposes of advocacy and education?

A In my view, that distinction is an artificial one. Challenging students and practitioners to think outside the box, to expose them to new ideas, and to engage in vigorous debate is part of the Project’s mission. We teach about best practices and recent developments in law and other disciplines; we try to exhort new and seasoned lawyers to be the best lawyers they can be for children. Of course, it is up to each student and lawyer to choose her own path; our goal is to ensure that the path is a knowing and enlightened one.

Q If you could make any three changes to the substantive or procedural law that affects children in this country, what would they be?

A Only three? I will suggest one critical change. In any proceeding affecting the child’s interests, she must be represented by independent
counsel who will advocate for that child’s express preferences. It is unimaginable to me that we make decisions every day that affect children deeply, yet we seldom if ever hear from them. In fact, the decision maker may never even meet the child. How can we possibly say this is just?

Q You have taught in a variety of different locations: Washington, D.C., Hawaii, New Orleans, and Columbus. How do the issues affecting children and the law differ in the different jurisdictions in which you have taught?

A In many ways, they are surprisingly similar. They include race and gender, procedural fairness, zealous advocacy, poverty, and politics. The faces and places may differ, but the child’s need for an independent advocate remains the same.

Q How have the issues affecting children and the law changed over 23 years that you have been teaching on the subject?

A When I began practicing and teaching in the area, the idea of children’s rights was fairly new. People often scoffed at the idea of child empowerment. It simply was not taken seriously. Today, if one wants to have a meaningful debate about children and the law, one must take into account the rights of children and the child’s voice.

Q What kind of cases do the students in your clinic work on? What different skills and knowledge do they learn from each of the different kinds of cases?

A Our students take a variety of cases. They include delinquency, status offense, abuse and neglect, judicial bypass, divorce custody, and immigration proceedings. These cases are civil and criminal, contested and uncontested. Moreover, students may act as the child’s attorney, as the child’s guardian ad litem, or as both the attorney and guardian ad litem. So, in addition to learning substantive and procedural criminal and civil law, students also learn about the various roles lawyers often take in juvenile court and the different responsibilities these roles entail.

Q What do you think are the greatest challenges for students in your clinic?

A Juvenile law requires a certain breadth of knowledge that often surprises students. Moreover, I think it is challenging for students to work in a system that purports to help children but is actually quite hostile to the idea of zealous advocacy for juveniles. This is particularly challenging because so many of the legal issues affecting children have not yet been resolved.

Q What skills or perspectives do you hope that students learn from your clinic?

A I hope that students gain a deeper understanding of the relationship between law and other disciplines. It should be apparent that good lawyering does not occur in the vacuum of the law; it requires an appreciation of the various needs and issues affecting clients and the acknowledgment that law may be a useful device to secure the help and services clients may want. We encourage students to engage in best practices and to embrace a holistic practice model that is consistent with the view that lawyers can engage other disciplines when practicing.

Q You have just recently been appointed as the new Director of the Center for Interdisciplinary Law and Policy Studies. What kinds of activities will the CILPS be undertaking under your leadership?

A One of the most important initiatives I hope to undertake is to involve law students more deeply in the Center’s activities, to make the Center more relevant, and to illustrate the ways in which practicing law leads to lifelong learning on all sorts of topics. We are very lucky to be at The Ohio State University because we can draw on the educational resources that are here.
Student Profile

Steiner Works to Find Justice for Children
3L Learns Lessons in Juvenile Clinic

By Nick Tomassini
Contributing Writer

Running cross-country as an undergraduate at the University of Chicago, third-year Moritz College of Law student Erin Steiner traversed through some of the poorest neighborhoods in the country. She was especially affected by her interactions with the children living in these impoverished areas.

“They were very friendly. They would often come talk to us and would want to go running with us,” she said. “Seeing the conditions that they lived in really impressed upon me that these children in particular are not only underrepresented because they are children, and have to face the challenges of not being an adult, but also because they are extremely poor. That alone is disenfranchising in many ways.”

After graduating with a degree in psychology with an emphasis on child development, Steiner spent time volunteering at a Boys & Girls Club, tutoring and working in an adolescent girls’ focus group. She finds working with children both enjoyable and rewarding.

Steiner chose to continue her involvement with children while studying at Moritz by joining the Justice for Children Practicum.

“I really like kids. I think they’re a lot of fun to be around,” she said. “I also feel that I’m helping them and making a difference in their lives where someone otherwise might not.”

While researching law schools, Steiner was attracted to Moritz in part because of its excellent program in children’s law.

The Justice for Children Project began as a joint venture between the Moritz College of Law and Socio-Legal Studies (now known as the Center for Interdisciplinary Law and Policy Studies). As part of the Justice for Children Project, the practicum provides students with the opportunity to represent children in a variety of legal proceedings.

“The practicum has definitely tested my ability to learn while going along. In all my other classes covering litigation techniques, I was given the impression that everyone was on the same page and knew everything that was going to happen,” Steiner said. “One thing that I learned really fast is that when I go into the courtroom, almost anything can happen.”

Steiner has enjoyed her time working in the practicum and considers her clinic experience to be valuable. Although she will practice real estate law following graduation, Steiner expects to continue her work by volunteering in child advocacy programs.

“I think that clinics are a good experience for any law student, even if they’re not planning on going into litigation. Despite the fact that I’m getting a certificate in children’s studies, I think that the purpose of law school is to come out and be a competent generalist lawyer.”

— Erin Steiner
third-year law student

“I think that clinics are a good experience for any law student, even if they’re not planning on going into litigation.”

Moritz College of Law Clinical Program Faculty

The Moritz College of Law Clinical Program is comprised of six different clinics and practica.

Civil Law Practicum
Professor David A. Goldberger, Isadore and Ida Topper Professor of Law
Professor Gregory M. Travallo, Lawrence D. Stanley Professor of Law and Director of the Clinical Program
Associate Clinical Professor Elizabeth Cooke

Prosecution Practicum
Associate Professor Ric Simmons
Clinical Professor Robert Krivoshey

Criminal Defense Practicum
Clinical Professor Robert Krivoshey

Justice for Children Practicum
Professor Katherine Hunt Federle, Director of the Justice for Children Project
Associate Clinical Professor Angela Lloyd

Mediation Clinic
Professor Sarah Cole
Professor Joseph P. Stulberg, Associate Dean for Faculty

Legislation Clinic
Professor Douglas A. Berman
Associate Professor Steven Huefner
Professor James J. Brudney
Associate Clinical Professor Terri L. Enns
Despite deciding not to practice criminal law after graduation, Anthony Schoen, a third-year student at The Ohio State University Moritz College of Law, said that the lessons he has learned in the fall semester of the Prosecution Practicum would be valuable no matter what area of law he chose.

The practicum, Schoen said, has forced him to realize that attorneys’ decisions, even in misdemeanor cases, truly affect the lives of all those involved.

“The decisions you make have a real world effect on the lives of individuals and the clinic allows you the opportunity to experience things that others, who choose not to participate in a clinical program, do not have the chance to experience in the classroom setting.”

Schoen, a native of Dayton, Ohio, began law school with intentions of going into criminal law. But following an internship in a downtown Columbus criminal defense firm after his first year at Moritz, he learned that it was not for him.

“Dealing with that side of humanity on a daily basis and realizing that your actions can result in a person going to prison or being free was stressful,” he said.

Nonetheless, he chose to enroll in the Prosecution Practicum to gain real-world experience, and get experience sitting across the table from defense attorneys. What he has learned has been invaluable.

Schoen graduated from Ohio University with a double major in finance and business law. Before coming to Ohio State, he worked for several corporations, including Bank of America Securities and Bisys Fund Services. Schoen, who is currently weighing a handful of job offers, said that he will be practicing in Dayton.

The Prosecution Practicum is team taught by two clinical faculty members, currently Professors Ric Simmons and Robert Krivoshey, who have been appointed as special prosecutors for the City of Delaware. On a daily basis, clinical participants encounter a broad array of misdemeanor cases, such as domestic violence, vehicular homicide, manslaughter, and child endangering, among others. The clinic works with the Delaware City Prosecutor’s office, which handles most misdemeanors committed in Delaware County.

Students in the practicum have the unique advantage of practicing in one of the only courtrooms in Ohio equipped with cameras that record every aspect of trial proceedings. Students and professors can review the work of students in the clinic, and it can be replayed and critiqued in class.

“In the clinic, you deal with inner workings that will actually be useful while participating in proceedings,” he said. “The clinic gives you the opportunity to become comfortable inside the courtroom and it gives you the opportunity to apply the information previously learned and implement it outside of the classroom.”

“The decisions you make have a real world effect on the lives of individuals and the clinic allows you the opportunity to experience things that others, who choose not to participate in a clinical program, do not have the chance to experience in the classroom setting.”

— Tony Schoen
third-year law student

We want to hear from you!

If you are an alumnus/a of the Clinical Program at Moritz College of Law and would like to share a memorable experience you had in a clinic, comment on the program, or just let us know what you are doing now, please contact us!

You can write or e-mail to:
Cori Tarzwell, Alumni Relations
Moritz College of Law, 55 W. 12th Avenue, Columbus, OH 43210
E-mail: tarzwell.1@osu.edu
this semester.

The lawsuits were filed against: Citibank N.A., a financial corporation; Potbelly Sandwich Works LLC, a sandwich restaurant chain; Campus Dimensions Inc., a marketing and advertising firm; and OSU La Bamba Inc., a Mexican restaurant chain. The suits charge the companies with violating Ohio’s Consumer Sales Practices Act.

According to the suit against Citibank and Potbelly, a credit-card marketing event was held at the Potbelly restaurant on East 11th Avenue in Columbus. Fliers for the event were posted around the OSU campus. They advertised a “Free Sandwich and Drink” for OSU students. In order to receive the free items, however, students had to apply for a Citibank credit card, which the fliers did not mention.

The suit against Campus Dimensions and La Bamba involves a similar promotion at La Bamba, a restaurant on North High Street in Columbus. These fliers advertised “free burritos” but did not disclose the requirement to apply for a credit card.

The alleged violations of the Consumer Sales Practices Act include failing to clearly state the conditions of an offer; using bait advertising; using “free” without clearly setting forth all terms and obligations of the offer; and notifying prospective consumers about a prize or something of value without disclosing any and all conditions necessary to get it.

“As a community we need to watch out for our children, and I will not tolerate any company trying to pull a bait-and-switch on them in order to make an extra buck,” Attorney General Dann said at a press conference at Moritz announcing the partnership with the College.

Nic and Christina have taken initial steps in collecting and reviewing informal discovery in the case and are in the process of drafting formal paper discovery.

“We need to find out how these marketing practices are actually run,” Christina said. “That will help us in determining an adequate remedy.”

But the cases didn’t start with Nic and Christina, and they certainly won’t end before the conclusion of the semester-long class. Both students complimented the clinic students who came before them and laid much of the groundwork.

“It will be much easier for us than the next people who pick up the case,” said Nic, who explained how future students will be responsible for handling the in-court proceedings.

Both Nic and Christina admitted that, after graduation, they will continue to follow the case.

Following graduation in May, Christina, a native of Bay Village, Ohio, will venture to Chicago to practice general litigation for Kirkland & Ellis LLP. Nic, who is originally from Northwood, Ohio, has accepted a job with Oliff & Berridge, PLC, a mid-sized patent law boutique firm in Alexandria, Va.

Both students commented on how the Attorney General’s office has taken an advisory role on the case, allowing the Moritz Civil Law Practicum to handle most of the substantive matters.

“They have remained pretty hands off,” Christina said. “But that may have something to do with Professor Travalio and Cooke watching over us.”

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**Attorney General continued from page 1**

Visit moritzlaw.osu.edu/clinic/tour.php for a 10-minute virtual tour of the clinic.

Tour the new Woodside Courtroom and meet all of the clinical faculty, as well as many of the current and recent clinical students as they talk about their clinical experience.
the country. But the decision wasn’t incredibly difficult, he said. Columbus was close to his and his wife’s family in Pennsylvania.

“And it was clearly the faculty that I liked the best out of all the schools that I interviewed,” he said. “And then a number of people I had advising me told me that Ohio State was the best school that I had an offer from.”

Travalio said that when he first joined Ohio State’s College of Law it was a prestigious law school with high-caliber students and faculty. “And ever since then, it seems as though we continue to push the bar higher and higher,” he said. “We should be extremely proud of the College’s history and where it is heading.”

Travalio said that he and his wife expect to buy a cabin in the Hocking Hills, Ohio, area and split time living there and in Columbus, where he said he may continue to teach a few courses.

“Being in the classroom has always been what I loved most,” he said. “I have been blessed to have a job that is both enjoyable and fulfilling.”

Huefner continued from page 2

After graduation, however, he decided to embark on what would become a long and varied trek into the legal profession. “It had become clear to me that I would be better prepared to teach law if I had some real experience in the field,” he said. “Law is a profession. I wanted to see how lawyers actually implemented the skills from their training in law school.”

Huefner’s first stop was to clerk for Justice Christine M. Durham of the Supreme Court of Utah. Later he went on to clerk for Judge David S. Tatel of the U.S. Court of Appeals for the District of Columbia Circuit.

“I was fortunate to have the experience of clerking for Justice Durham and Judge Tatel,” he said. “I learned a great deal by having them as mentors and experiencing, at their sides, the difficult interpretive problems that the courts have to wrestle with.”

Between his two clerkships, Huefner sought to gain experience in the private sector and joined a law firm in Washington, D.C. There he worked on railroad merger proceedings before the nation’s oldest administrative agency, the Interstate Commerce Commission (now the Surface Transportation Board). He also helped some U.S. organizations pursue opportunities in Japan.

“I was well-served by working with particular clients and understanding their needs,” he said. “I learned how litigation and advisory practices are actually conducted on a day to day basis.”

While working in the private sector, Huefner also aspired to work in a government job. In fact, he had moved to D.C. partly to be in a position to look for the right opportunity.

“I ended up getting this terrific job working as a lawyer for the Senate,” he said. “We did some really interesting stuff, including defending the constitutionality of the line-item veto act, and of course, the impeachment trial. There have been two presidential impeachments in our country’s history, and I got to work on one of them.”

After working for the Senate for five years, Huefner once again found himself immersed in the challenges of law school. As a professor of law and founding director of the Legislation Clinic at the Moritz College of Law, Huefner feels that he has come to the right place.

“I really value the community of different expertise and perspectives,” he said. “I enjoy being in a place where there are people who are intently focused on a variety of different areas. I just enjoy being here. I think it’s a great community of students and faculty.”

Huefner looks forward to becoming the director of the clinical programs next year. He sees clinical programs as a valuable part of law school.

“There has been a fair amount of criticism of American legal education recently — in particular, that we’re not doing enough skills training,” he said. “The big challenge is to figure out how to do a better job of providing law students with practice oriented skills. Clinical programs are the best way for most law students to develop the skills they need. You need more than just book knowledge to be successful as a lawyer — you need to be able to deal with clients, interact with the court and opposing counsel.”

“As a lawyer, the problems and conflicts in real cases don’t simply come to you fully formed. More often than not, you have to figure out what’s going on yourself.”

With all of his experience as a lawyer in the public and private sectors, and as an educator, Huefner is in a good position to help law students prepare for their own legal careers.

“Working in the legal profession has been fairly somewhat different from what I had thought it would be while in law school. We as faculty need to help students get beyond the cases in their books to see what actually goes on outside the classroom.”
Our students’ intense preparation gave them the legal and factual ammunition to negotiate a creative resolution to the dispute and save this woman’s home from foreclosure.”

— Elizabeth Cooke
Associate Clinical Professor

Civil Law Practicum
Saves Woman’s Home

When Mrs. W., an elderly widow, received a brightly colored advertisement that said she could refinance her mortgage, save money, and receive a free gift, she signed up. Months later she found herself owing hundreds of dollars more each month on her mortgage than she was earning and faced foreclosure.

Students in the Moritz Civil Law Practicum began work on the predatory lending case in the Spring of 2007, and the case settled this fall.

Thanks to the civil practicum, the lender agreed to reconfigure Mrs. W.’s loan and restructure her payments to allow her to remain in her home.

Students exposed how the mortgage broker had added a “1” to her $500-a-month social security statement to indicate she was making $1,500 a month. The mortgage broker also obtained an inflated appraisal, which came in at nearly double the value of the woman’s Chillicothe home. According to Elizabeth Cooke, an associate clinical professor of law at The Ohio State University Moritz College of Law, “our students’ intense preparation gave them the legal and factual ammunition to negotiate a creative resolution to the dispute and save this woman’s home from foreclosure.”

“These cases are particularly rewarding because students see the immediate impact of their representation on their clients’ lives,” she said.

The 14 students in the Civil Practicum fall semester are working on several other cases. They include landlord-tenant disputes, some involving Ohio State students, two of which are expected to go to trial before the semester ends; a case involving a woman being denied medication by her Medicare Part D Plan; and several consumer cases. In December, two students in a two-day hearing argued a request in federal court for a preliminary injunction in the case of a prisoner seeking to practice his non-mainstream religion while incarcerated.

Mediation Clinic
Works in Franklin County Court

Columbus citizens may be less conflicted when Moritz’s Mediation Practicum classes are in session. Professor Amy Cohen’s Mediation Practicum students are mediating small claims cases at the Franklin County Municipal Court this semester. These students facilitate conversation between disputing individuals by using techniques that encourage the disputants to examine each other’s interests rather than their positions. Students mediate a variety of disputes, including landlord-tenant issues, property damage, and other monetary claims under $3,000. During winter semester, Associate Dean Joseph P. Stulberg’s Multi-Party Mediation Practicum class will mediate cases at the Franklin County Night Prosecutor’s Mediation Program, where students will deal with dog complaints, safety and environmental concerns, and other neighborhood disputes.

In September, the Alternative Dispute Resolution Program at Moritz sponsored a lecture from Michael Weiner, General Counsel to the Major League Baseball Players Association. This lecture, which was part of the annual Lawrence Negotiation Competition, provided Moritz students an excellent opportunity to listen to an experienced labor negotiator discuss the techniques he uses to achieve success in negotiation with Major League Baseball teams.

Legislation Clinic
Welcomes Notable Speakers

The Legislation Clinic has welcomed several notable guests to speak to the students enrolled in the clinic during the fall semester. Included were:

Dan Shellenburger, executive director of Ohio Government Telecommunications, who has regularly taken the clinic on tours of the Statehouse. He shares his enthusiasm for the ways in which architecture tells a story, in this case about democratic institutions.

Marcia Cooper and Kathleen Luikart of the Legislative Service Commission provided insight into the kinds of support personnel and documents that help guide the work of the General Assembly.

Bill Hills is executive director of the Joint Committee on Agency Rule Review, an oversight agency that examines every rule promulgated by executive agencies to ensure that the rules comport with the legislature’s intentions and with existing laws.

The class heard from a number of lobbyists: Neil Clark and Paul Tipps are the founders of State Street Consultants, one of Columbus’ largest lobbying firms. Part of the firm’s power comes from the fact that each of the founders was active in party politics prior to becoming a lobbyist, but on opposite sides of the aisle, resulting in a strong bipartisan
presence at the Statehouse. Sean Dunn ’94, the founder of his own lobbying firm, talked about his career trajectory, always with the goal of becoming a lobbyist. His small firm approach provided a contrast with the State Street Consultants. A third lobbyist to speak was Bill Faith, executive director of the Coalition on Homelessness and Housing in Ohio. Faith explained how organizations with fewer dollars but a compelling position can effectively lobby the General Assembly.

Julie Carr Smyth, an Associated Press reporter, has covered the Statehouse for several years, and she talked about what constitutes “news” in the legislative context.

Brian Perera is the finance director for the Senate Republican Caucus and spoke about the budgeting process. Emphasizing that the budget is the state’s main policy document, he spoke of some of the choices faced every two years by legislators forced by the Ohio Constitution to pass a balanced budget.

State Rep. Bill Batchelder ’67 shared stories and insights from his more than 30 years of experience in the General Assembly and from the time he spent on the bench. He was uniquely able to share with the students how the legislature functions on a day-to-day basis.

**Prosecution Practicum Handles Array of Cases**

This semester the prosecution practicum has taken several domestic violence cases, leading to challenges for the students in the courtroom and in the classroom. In the courtroom, domestic violence disputes are probably the most difficult because the victims and other witnesses are frequently reluctant or even unwilling to testify against the defendant. In one case, a husband stole his wife’s car keys so she could not leave the house; when she tried to retrieve the keys, he pushed his wife down the stairs. The wife called the police hours later only when urged to do so by a colleague, and by the time the student prosecutor contacted her, she said she wanted to forgive the defendant and give him another chance. This kind of reluctant witness obviously leads to logistical problems during plea negotiations and trial, and it also is the subject of heated discussions in class. Prosecutors have the legal right to subpoena the victim to testify against the defendant, but is that the best thing to do? What is the witness likely to say when testifying? Are we simply re-victimizing the victim by forcing testimony? Can we guarantee the witness’ safety after testifying?

In this particular case, students were able to get the victim to cooperate if we agreed not to ask for jail time. The defendant pleaded guilty to a reduced charge and was ordered to complete an anger management program. In general, victims and other family members are more likely to cooperate if prosecutors promise to seek counseling as a disposition, but this is not always an appropriate option. In another domestic violence case, a stepfather pointed a gun at his stepson and threatened to kill him. In still another case, a husband threatened to kill his wife with her shotgun, broke down the door to the bathroom where she was hiding, and beat her repeatedly with his fists. Many of the defendants in other domestic violence cases have a long uncharged history of physically abusing their family members. In such cases, most students believe jail time is appropriate, but these are the cases in which it can be hardest to get cooperation from the victims.

In these ways, domestic violence prosecutions provide dramatic examples of the difference between the law school classroom and real-life litigation practice, where facts only exist if you can convince a witness to testify about them, and where decisions must be made that will impact the lives of others in many significant ways.

**Justice For Children Clinic Adds Immigration Cases**

Moritz students enrolled in the Justice for Children Practicum have historically represented juveniles in juvenile court cases addressing neglect, delinquency, custody, and termination of parental rights cases. Now the students have added a new area of juvenile law to their repertoire.

Justice for Children Practicum students have begun representing undocumented immigrant children — who are in foster care as a result of being abused or neglected — in their quests to obtain legal status and citizenship.

“Too often we see these children go unrecognized in foster care or age out of the system, and they are forced to enter the underground economy as undocumented immigrants,” said Angela Lloyd, an associate clinical professor of law at Moritz.

The immigration provision used to grant the green cards to juveniles is not well-known or understood, and there are only a few attorneys in central Ohio who have filed such applications, according to Lloyd. The students enrolled in the Justice for Children Practicum represented five Columbus area juveniles in the fall semester through the immigration process, which normally takes four to six months. Two clients have already received their green cards, and three remain pending. Once a child obtains a green card, he or she is able to apply for citizenship in five years.

Lloyd said the cases are satisfying both pedagogically and personally to the students as the students are able to resolve positively a legal issue critical to these young people in the span of a few months. “Students enjoy working with these children who have found themselves in the gray area that results from the juxtaposition of immigration law and state dependency,” she said.
Clinic News

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