

WVULAW

Clinical Law Program

SNAPSHOT: 2015-16 Cases & Accomplishments

ALL CLINICS

Students from all clinics have covered the Domestic Violence docket every Thursday morning in the Monongalia County Family Court. Students assist petitioners requesting service on those days. On average, five to seven clients seek assistance every session, for a total of more than two hundred clients a year. Their cases range from assaults to stalking to child abuse. The students interview the clients and then assist them in presenting their cases to the Judge.

GENERAL PRACTICE

Students provided legal counsel and representation on a variety of issues for victims of sexual assault on WVU's campus, working with the Rape and Domestic Violence Information Center and the WVU Sexual Assault Response Team.

They are representing a small business owner who had his assets misappropriated by his business partner. Another team is litigating a visa case in the federal district court for the Northern District of West Virginia. They are also representing clients in special-case adoptions and with bankruptcy protection due to medical debt. Students are also representing a number of property owners in disputes concerning their land.

Students from the General Practice and the West Virginia Innocence Project are participating in the national federal Clemency Project. Through an initiative of the U.S. Department of Justice, cases are being evaluated for sentence reduction and clinic students have taken on a substantial number of these reviews.

CHILD AND FAMILY ADVOCACY with MEDICAL-LEGAL PARTNERSHIP

Students from these clinics have been appointed by the Family Courts in Monongalia and Preston counties to serve as guardians ad litem (GAL) in 18 cases. The reputation of the clinics is such that lawyers in the area are beginning to request the appointment of the Student Attorneys in these cases.

They also launched a new partnership with WVU Medicine Chestnut Ridge Center, a leading regional referral center for treatment of mental health illness and addiction for adults, adolescents, and children.

Students, with supervision of the faculty, wrote a successful amicus brief last year at the request of the West Virginia Supreme Court of Appeals concerning when it is proper for a Family Court to issue a protective order in a divorce action. The Court adopted the position advocated by the clinic that such orders should only be issued upon a clear showing of abuse.

VETERANS ASSISTANCE PROJECT

The Veterans Assistance Project reached a successful end-point for one of its first clients. In 2012, students began working on a claim for a veteran who had been medically discharged due to a spinal decompression that two surgeries could not repair. On his behalf, the clinic applied for VA benefits that came back too low. The clinic appealed and, in November 2015, the client received full compensation dating back to 2013. At least eight students worked on this case over four years.

WEST VIRGINIA INNOCENCE PROJECT

The West Virginia Innocence Project (WVIP) filed a motion for DNA testing in a murder case where the main evidence against the client was microscopic hair analysis by the FBI. The FBI has admitted to mistakes made by its Microscopic Hair Comparison Analysis Unit over a period of more than 20 years prior to 2000.

The WVIP filed motions for post-conviction relief in two separate cases where parents were wrongfully convicted of killing their children based on flawed forensic science. In both cases, medical experts have uncovered the true and accidental cause of the toddler's death, revealing that the accused did not harm the child. The court will hold an evidentiary hearing in 2016 for one of these cases.

Clinic students also successfully filed an appeal in the West Virginia Supreme Court on behalf of a client convicted of murder by arson. The evidence against him consisted of investigation techniques that have since been discredited. The WVIP plans to present oral arguments before the West Virginia Supreme Court in 2016.

Students in the Immigration Clinic and the West Virginia Innocence Project represented an immigrant facing deportation because of a criminal conviction. The case was successfully argued by the students in the West Virginia Supreme Court and established the right to seek a Writ of Coram Nobis — when an appeals court orders a lower court to consider facts not on the trial record that might have changed the outcome of a case.

IMMIGRATION

Students argued a case before the U.S. Court of Appeals for the Seventh Circuit in Chicago. Their client was a Honduran man threatened with deportation based on what the government argued was a "particularly serious crime." They won a partial victory when the judge remanded the case back to the Bureau of Immigration Appeals.

Other clinic clients included a Nepalese woman seeking asylum after she was raped and her family was assaulted; a Jordanian citizen filing a petition for an alien relative to stay in the U.S. with his wife; a Filipino citizen evaluating her immigration options; a gay Venezuelan man adjusting his asylum status to legal permanent resident; an Iraqi family seeking asylum; and a German woman renewing her Green Card.

Students are currently representing a family from Libya seeking asylum in the United States. The wife is earning her master's degree and the husband is earning his doctorate degree at West Virginia University. The clinic is also working on asylum cases for a gay Kenyan, and a Sunni and Shiite Muslim couple from a village that was overrun by ISIS. Another client is a mother and her two daughters from El Salvador. They entered the U.S a year ago because their lives were threatened by gang violence.

LAND USE AND SUSTAINABLE DEVELOPMENT

Students and attorneys worked with 32 local governments and non-profit clients to conserve land and develop land use planning documents. They worked on 30 land transactions aimed at protecting several thousand acres. This effort included title examinations, contract drafting, and drafting of title opinions and negotiations. The land conserved includes working farms, open space areas and ecologically sensitive riparian areas. The clinic also facilitated over 50 public meetings with local government officials and drafted many comprehensive plans and zoning ordinance provisions.