

CLINICAL LAW PROGRAM 2019-20

Highlights from a pandemic year

The West Virginia University College of Law's award-winning Clinical Law Program, founded in 1976, is dedicated to helping students develop client-ready skills while providing critical pro bono services to residents of the state and the region.

The program is the backbone of WVU Law's nationally-recognized commitment to service — and for students and clients, the clinics change lives. The COVID-19 pandemic proved challenging in 2019-20, but it did not stop the clinics from excelling in their mission to serve those in need.



The Child and Family Advocacy Law Clinic, 2019-20.

Child and Family Advocacy with Medical-Legal Partnership

- Litigated over 50 cases before the pandemic brought work to a halt.
- Began a new medical-legal partnership with WVU's Comprehensive Opioid Addiction Treatment program to provide legal assistance to its pregnancy centering group.
- Began working with Federal Magistrate Judge Michael J. Aloï's drug court to represent some of its participants in family law matters.
- Presented to leaders of the WVU Health Science Center to discuss expanding the medical-legal partnership to other departments at WVU Medicine.
- Began negotiating a new medical-legal partnership with WVU Family Medicine.

Entrepreneurship and Innovation

- Provided legal representation to over 40 small businesses and nonprofits.
- Assisted in the formation of 16 small businesses.
- Obtained IRC 501(c)(3) tax-exemption for five nonprofit corporations.
- Successfully registered 18 trademarks with the United States Patent and Trademark Office.
- Successfully registered a copyright with the United States Copyright Office.
- Drafted various internal governance documents and policies for LLCs, Corporations, and Nonprofit Corporations.
- Drafted a variety of legal documents, including Nondisclosure Agreements, Privacy Policies, Terms of Service Policies, Independent Contractor Agreements and commercial rental agreements.
- Represented clients on legal issues such as anti-trust, securities, consumer protection, insurance, taxation, and corporate law.
- Advised numerous organizations on legal best practices related to operating a West Virginia small business and nonprofit.

Immigration

- Received a favorable, precedential decision from the U.S. Court of Appeals for the Third Circuit on behalf of a client who fled persecution based on sexual orientation. *Doe v. Attorney General*, 956 F.3d 135 (3d Cir. 2020) was argued by J. Paige Beddow '19 and Scott Cain '19 with assistance on the brief from Justin Tyree '20. In its decision, the Court acknowledged and thanked the Immigration Law Clinic for providing "skillful pro bono representation" of the petitioner.
- Helped obtain a grant of permanent residency for a former diplomat to the U.S. who raised his family in this country.
- Assisted a youth who fled gang violence and recruitment in El Salvador obtain permanent relief from removal.

In 2019-20, the Clinical Law Program at the West Virginia University College of Law recieved support from:

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West Virginia State Bar
Wilson, Frame and Metheney
Withers Family Trust
Wooton, Davis, Hussell & Johnson, PLLC.

Litigation and Advocacy, including Taxpayer Advocacy

- Successfully completed representation of a Vietnam era veteran in a law suit against a gas company and the West Virginia Department of Transportation for damage to his property caused by construction activity. The client received a money settlement for the value of the property damaged.
- Provided legal training for sexual assault nurses from around the state to help them understand the functioning of the legal system and their role as expert witnesses. The Veterans Advocacy and West Virginia Innocence Project law clinics partnered in this effort.
- Engaged in online moot hearings with the WVU Forensic graduate students, giving the law students additional experience with preparing and presenting expert testimony.
- Provided legal memos to Legal Aid of West Virginia on tax and small business issues. These materials were incorporated into Legal Aid's website, providing important information to clients and other attorneys about the Cares Act and other regulations during the pandemic.

Land Use and Sustainable Development

- Provided a land trust client with transactional work needed to expand a nature preserve. The 320 acre preserve, Toms Run Preserve near Morgantown, is open to the public and preserves and protects drinking water and habitat.
- Assisted a small town in southern West Virginia with the drafting and adoption of a Town Charter.
- Spearheaded a multi-state collaboration to provide planning and legal education to certified planners online. Topics will include regulation of signs and land use law updates.
- Assisted local governments with compliance of public participation requirements, Open Governmental Meetings Act procedures, and emergency powers during the pandemic.
- Facilitated over 186 public meetings related to local land use planning.
- Provided legal services resulting in the protection of or efforts to protect 12,083 acres of land in the Mountain State.

United States Supreme Court

- Won a case in the U.S. Court of Appeals for the Fourth Circuit — *Haze v. Harrison*, No. 18-7340 (4th Cir. 2020). Haze was a pre-trial detainee in Wake County, NC, when his jailers opened his correspondence with his lawyer. He argued that these actions violated his First, Fourth, and Sixth Amendments rights. The Eastern District of North Carolina granted summary judgment for the defendants on all the claims.

The Fourth Circuit reversed the grant of summary judgment on the First Amendment claim, but ruled that the defendants had qualified immunity on the Fourth Amendment claims and that the plaintiff's Sixth Amendment claims had been waived. The case was to be argued by Julian Pecora '20, but the pandemic meant that the case was decided on the briefs.



Veterans Advocacy

- Secured a discharge upgrade from the Naval Discharge Review Board, which typically only has a 30-35% success rate, and began work to help the veteran obtain benefits that had previously been unavailable.
- Successfully appealed a denial of benefits by showing a clear error was made by the VA when it failed in its Duty to Assist a veteran during his initial application.
- Represented numerous veterans in Federal Magistrate Court by entering into diversion agreements for petty offenses to ensure veterans have access to benefits and counsel.
- Received a \$24,000 gift from the Michael Late Benedum Chapter of the American Association of Professional Landmen.



The West Virginia Innocence Project Law Clinic, 2019-20.

West Virginia Innocence Project

- Continued work seeking an exoneration in a first-degree murder and arson case in McDowell County, West Virginia.
- Prepared for a retrial in a murder case in Cabell County, West Virginia.
- Prepared a Petition for Writ of Certiorari to the Supreme Court of the United States.
- Hired Devon Unger as a program coordinator/staff attorney.
- Received the Human Rights Day Award from the Morgantown Human Rights Commission.



Clinical Law Program
101 Law School Drive
Morgantown, WV 26506-6130
clinicallaw@mail.wvu.edu / (304) 293-7249

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