

CLINICAL EDUCATION AT COLORADO LAW



COLORADOLAW
UNIVERSITY OF COLORADO LAW SCHOOL

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Colorado Law School Legal Clinics

What do you do when young parents are fighting over what schedule they should follow for each of them to spend time with their son, and you sympathize with both sides, but represent one of the parents?

How do you help a youth find her voice in the courtroom when a judge is deciding whether the youth should be placed in foster care?

How can an energetic entrepreneur without much money get practical legal advice on the best way to set up her company?



Colorado Law students regularly confront situations like these in our legal clinics. By handling actual cases and projects, students learn how to meld the substantive knowledge they are learning in the classroom with the practical wisdom they need effectively to advise their clients and advocate for their rights and interests. Under the supervision of expert clinical faculty, our students represent clients in criminal courts, civil courts, tribal courts, administrative tribunals, legislatures, agencies, and boardrooms. In each setting, students take primary responsibility for understanding the goals of their clients, carefully advising clients about possible outcomes and consequences, and working to represent those clients' interests persuasively and competently.

Colorado Law offers ten clinics covering many substantive disciplines and areas of legal practice. As a result, students can easily match personal interests to a particular clinic. In addition, our clinics build on some of Colorado Law's strongest areas of expertise, including American Indian law, environmental law, juvenile and family law, and technology law and policy.

I encourage each Colorado Law student to build a clinic into his or her curriculum; it is an invaluable way to experience how a legal matter unfolds from start to finish. Student lawyers

have the opportunity to become the face of the law for their clients. Students work to understand client needs, challenges, and desired results. They assess how the law answers those challenges or supports an outcome. Clinical students consult with and advise clients as they set and implement strategies. Students are with their clients when resolutions are reached—whatever their terms.

At Colorado Law, we take pride in the fact that our clinics provide free legal services to many community members who could not otherwise hire an attorney. Public service is an important part of our institutional mission, and our clinics play a large role in achieving our values of civic engagement and social responsibility.

Welcome to the legal clinics at Colorado Law.

Deborah J. Cantrell
Director of Clinical Programs and Associate
Professor of Law

Clinical Legal Education Opportunities

Colorado Law offers a varied program of clinical experiences in which students work with clients on actual legal matters, or advocate in policy matters on behalf of the public interest. Typically, the clinics provide legal assistance to underserved clients who cannot afford to hire a lawyer. Beginning in the second year, students may enroll in any of the following clinics:

- *American Indian Law Clinic*
- *Appellate Advocacy Clinic*
- *Civil Practice Clinic*
- *Criminal Defense—immigration focus*
- *Criminal Defense—innocence focus*
- *Entrepreneurial Law Clinic*
- *Family Law Clinic*
- *Juvenile Law Clinic*
- *Natural Resources Clinic*
- *Technology Law & Policy Clinic*

Celebrating More Than 60 Years of Clinical Services to the Community

Clinical education is a long-standing Colorado Law tradition, earning us a reputation for excellence in preparing our students for wise practice, innovative services in specialized areas of the law, and high quality representation for less-privileged members of our community.

Providing our students with a live laboratory in which to apply their legal knowledge is part of our educational mission. It helps prepare future attorneys for the real challenges of legal practice, while providing our community with much-needed legal services.

In 1948, the Colorado Supreme Court granted the request of Professor Clyde O. Martz for students to practice law and adopted the Student Practice Rule (now C.R.C.P 226.5). As a result, Colorado Law's Legal Aid Clinic began as an extracurricular activity with a \$750 budget and a student board of directors—no academic credit and no formal faculty supervision. In the 1950s, the student board divided the clinic into five areas: a legal research bureau, a public welfare department, the public defender's committee, the clinic department, and a department that

aided local attorneys in trial cases. By 1959, the caseload was 339 cases, with students acting as counsel in about 38 cases. In the early 1960s, Colorado Law hired full-time clinical faculty and offered academic credit to students who put in a minimum of 100 clinical hours. The program became known as the "Legal Aid and Defender Program." Colorado Law clinics were among only a few in the nation in which students actually took part in trials. In fact, Colorado Law students were among the first law students to sign pleadings in the U.S. Supreme Court.

Over the years, Colorado Law has continued to grow our clinical offerings. Almost two thousand students have participated in our clinics. Colorado Law clinics now serve over 700 clients each year, immersing our students in experiential learning, providing much-needed assistance to those less fortunate in our community, and invaluable service to the public good.

American Indian Law Clinic

One of the first of its kind in the United States, the American Indian Law Clinic provides quality legal representation to low-income clients with specific Indian law-related problems. Every case or project undertaken involves issues of federal Indian law or the law of a particular tribe.

Students are supervised by Clinical Professor Jill Tompkins (Penobscot Nation). They represent clients in a variety of matters including preservation of tribal identity, such as matters governed by the federal Indian Child Welfare Act; tribal sovereignty; employment; housing and public benefits discrimination; cultural resource and sacred land preservation; religious freedom; tribal court support; and tribal self-governance issues. Drafting tribal codes and rules regulating such areas as environmental issues, children's welfare and tribal court procedure, gives the students the experience of working directly for a tribal community. As part of the clinic's classroom component, students learn substantive law concerning the status of Indian tribes and the legal relationship between tribes, the federal government, and states. Students also develop



practice skills through case work and simulation exercises. Each year student attorneys prepare and present a community legal education event on current Indian law developments of concern to Colorado's tribal communities—often traveling to reservations to do so.

Colorado is home to two American Indian tribes, the Southern Ute and the Ute Mountain Ute, and more than 20 other tribes have ancestral ties to the state—often referred to as “the Hub of Indian Country.” More than 30,000 American Indians live within a 30-mile radius of the University of Colorado Law School. Given the many American Indians in the Denver–Boulder metropolitan area, and the tribes and groups in the Intermountain region, the clinic is ideally situated. The clinic often coordinates with the Native American Rights Fund, headquartered in Boulder, as well as other American Indian organizations in the Denver–Boulder area, including the National Indian Law Library, the Colorado Indian Bar Association, the American Indian College Fund, the National Tribal Justice Resource Center, the Council of Energy Resources Tribes, and the National Indian Fish and Wildlife Association.

“My time in the American Indian Law Clinic has been an invaluable experience. For the first time in law school, I was given the ability to change someone’s life—to represent them, to counsel them, and ultimately, to resolve their legal issues.”

—LISA SHELLENBERGER, ’11
(CHOCTAW)



The Appellate Advocacy Clinic enables students to learn the criminal appellate process by assisting on actual appeals of criminal cases being handled by attorneys through Colorado's Office of the Alternate Defense Counsel. Students are instructed on appellate procedures, issue identification, appellate brief writing, and oral advocacy. During the semester, students work on an opening appellate brief in a serious felony appeal. Each student is given a trial court record from a criminal trial and is responsible for drafting an appellate brief based on that record. It is an intensive research and writing experience. Students are also required to present an oral argument of their case before a panel of attorneys, and to attend and report on an argument of a criminal case before the Colorado Supreme Court or Colorado Court of Appeals. An opportunity to meet and communicate with the

client who has the case on appeal is also an important component of the clinic. This clinic is offered each fall and is taught by Adjunct Professor J. Christopher McKee.

Students who take the Appellate Advocacy Clinic will meet and interview their clients, often through a prison visit.

Civil Practice Clinic

The Civil Practice Clinic offers students a year-long opportunity to work with clients in state court civil matters and in administrative agency matters. The clinic primarily handles family law cases in Boulder District Court, social security disability cases before federal administrative law judges, and a few immigration asylum cases before federal immigration law judges. Students handle their cases from start to finish, learning how to develop a case strategy, how to file the initial pleadings in court, appearing at court-ordered status conferences and motions hearings, participating in mediations or settlement negotiations, and taking the case to trial or administrative hearing. The clinic provides a rich opportunity for students to learn how to establish and maintain effectively an attorney-client relationship. In the classroom component of the clinic, students participate in a series of exercises and simulations that help them understand the general processes of a civil case and hone their skills as civil practitioners. The clinic is taught by Clinical Professor Norman Aaronson.



“As a judge for over two decades, I have had many opportunities to observe students from the clinical education department. I have found them to be exceptionally well prepared, thoughtful, and thorough. The clinical professors provide them with excellent supervision and guidance. The clinics provide a tremendous opportunity for students to learn the craft of legal practice before they graduate.”

—ROXANNE BAILIN, CHIEF JUDGE, BOULDER DISTRICT COURT 20TH JUDICIAL DISTRICT, AND FORMER COLORADO LAW CLINICAL PROFESSOR

Criminal Defense Clinic—immigration or innocence focus



Two versions of the Criminal Defense Clinic are offered. One focuses on intersecting issues of criminal and immigration law. The other focuses on criminal law and claims of innocence. The criminal/immigration clinic is taught by Associate Clinical Professor Violeta Chapin and the criminal/innocence clinic is taught by Clinical Professor Ann England.

The goal of both clinics is to provide high-quality legal services to indigent clients who otherwise could not afford a lawyer, and to train students for high-quality legal practice. Students in both clinics learn the basic skills of criminal defense by representing clients in actual cases in Boulder municipal and county courts.

In Professor Chapin's year-long clinic, students represent indigent clients who have been charged with misdemeanor offenses in Boulder County and who also have been issued detainers by the federal Immigration and Customs Enforcement agency. Students help their clients to resolve their criminal cases with an eye towards avoiding negative consequences in their immigration matters. That can include negotiations with prosecutors for particular dispositions, and discussions with clients about their particular immigration status and whether any potential avenues exist for relief from deportation. Once the client is transferred to immigration detention, students represent clients in their civil

removal proceedings in federal immigration court, beginning with custody redetermination hearings and proceeding through the final resolution of their immigration case. The clinic allows students the opportunity to help a client in two very different kinds of adversarial settings—criminal court and civil immigration court. Further, the clinic gives students an important opportunity to study and learn about how two different areas of law can intersect, both in helpful and in challenging ways.

In Professor England's semester-long clinic, students begin with two active criminal cases referred from the Colorado State Public Defender's office. After about three weeks, students spend two full days at the Boulder County Jail representing those who have been arrested on misdemeanor complaints in their bond and/or dispositional hearings. Students continue their representation of those clients throughout the criminal process. Many of the cases call on students to handle motion hearings and jury trials. Additionally, throughout the semester the clinic continues to act as the public defender for the Boulder Municipal court, and students may work with other clients through that process. Professor England also directs the Colorado State Innocence Project. Through that Project, clinic students investigate claims of innocence of criminal convictions.

Entrepreneurial Law Clinic

The Entrepreneurial Law Clinic (“ELC”) trains students for the demands of entrepreneurial—and, more generally, transactional—legal practice. The ELC provides transactional legal services for startups and entrepreneurs along Colorado’s Front Range. New businesses often entail uncertainty and risk for cash-strapped entrepreneurs. Despite the risk for individuals involved, when such undertakings succeed, they often drive innovation, create jobs, and generate positive spill-over effects in the surrounding community. The ELC provides entrepreneurs with much needed legal assistance while providing Colorado Law students with a hands-on opportunity to make a difference. Student attorneys work directly with clients and commonly help startups with issues such as entity formation, contracts, employment, intellectual property, and corporate governance. Clinic students are supervised by Clinical Professor Brad Bernthal, and students collaborate with several leading transactional attorneys in the area.



“The ELC is a tremendous resource for the Boulder entrepreneurial community. The ELC was extremely helpful (to our business) because the students did a thorough review of the company’s legal structure and helped me work through possible legal issues I may face in the future with employees, vendors, and clients.”

—SARAH SCHUPP, PUBLISHER, UNIVERSITY PARENT MAGAZINES



In the year-long Family Law Clinic, students work with low-income Coloradans who need help working through issues related to a divorce, or related to parenting their children. Student attorneys handle their cases from filing to final order, often making several court appearances, participating in a mediation, and handling contested hearings. Most of the clinic's cases proceed in the state district court in downtown Boulder. The Family Law Clinic provides students with rich experiences working closely with a client, and navigating between the goals of the legal system, and the sometimes competing goals of spouses, parents, and children. Students learn the particulars of family law in Colorado, while also learning civil practice more generally. The clinic is an excellent general introduction to civil-side legal problem-solving.

“Participating in the Family Law Clinic was my most rewarding pursuit during law school, both personally and practically. Personally, I gained a commitment to community service, a knowledge of who I want to be as an attorney, and confidence to achieve both. Practically, I acquired tools and skills I daily use to engage the challenges I face representing my clients and achieving their goals.”

—JENNIFER WALKER, '10



“You are about to embark on an extremely challenging and exceedingly rewarding journey. The practical things you will learn in this clinic will serve you well in whatever area of law you go in to. I cannot recommend this clinic highly enough. Make the most of every opportunity you have to get courtroom exposure, network, and learn from your colleagues and Professor Robinson.”

—AMY MORTON, '07

Students in the Juvenile Law Clinic represent children, parents, and schools in civil court matters. By handling a case from start to finish, students are introduced to many of the skills of civil legal practice, including discovery, motions practice, negotiations, and trial work. An important goal of the clinic is for students to be ready to start practice in civil court by the end of the year. The clinic is run by Clinical Professor Colene Robinson.

The year-long clinic allows students to develop significant attorney-client relationships and to practice multiple litigation strategies. The classroom component focuses on the substantive law of child welfare, delinquency, and education law, as well as collateral issues such as mental health, immigration, poverty, disability, and alternative dispute resolution.

While working with families in crisis can be difficult, it is rewarding. Clinic students report that they relish the chance to use their legal skills to help a child or a family, and to make a difference in a case.



The Natural Resources Clinic offers students an opportunity to work on cases aimed at protecting the natural resources of the Rocky Mountain region. In the clinic, students represent public interest clients in matters involving vulnerable wildlife species, oil and gas drilling on public lands, coal mining, air pollution, and climate change. Clinic students often have opportunities to draft pleadings and briefs, negotiate with agency officials, and make oral presentations before agency decision-makers or in court. By representing

clients in these cases, students can experience both the challenges and rewards of public interest environmental practice. The seminar component of the clinic, which focuses on the practical aspects of environmental litigation, complements students' casework through classroom discussions and problem solving. The clinic is taught by Associate Clinical Professor Michael Soules.

Students learn not only from clinic staff, but also from matching the best and brightest attorneys and experts the opposition can muster. Clinic students have participated in landmark environmental and natural resources litigation, including cases that have gone to the U.S. Supreme Court.



The Samuelson-Glushko Technology Law and Policy Clinic (“TLPC”) is one of a few clinics in the nation that specialize in high tech policy advocacy in the public interest. Technology policy is an area of law with growing economic, political, and cultural implications. As the information age advances, policymakers play an ever-increasing role in encouraging innovation and competition. The TLPC instructs students to conduct thoughtful analysis and provide unbiased input to regulatory entities, courts, legislatures, and standard-setting bodies. It is common for TLPC students to meet with policy makers across geographic boundaries, ranging from Washington, D.C. to Denver, Colorado. The TLPC is taught by Clinical Professor Brad Bernthal.

The TLPC began in 2007 because of a generous donation from Pam Samuelson and Robert Glushko of Berkeley, California.

Clinical Law Faculty

Norman Aaronson joined the Colorado Law faculty in 1979. Aaronson has a demonstrated commitment to education and public service, having served as a teacher in the U.S. Peace Corps, as an attorney with Colorado Rural Legal Services, and as supervisor of the law



school's Lend-a-Law Student Program. Aaronson's peers in the local bar association have honored him with the John Marshall Award for Public Service.

J. Brad Bernthal teaches the Entrepreneurial Law Clinic and the Samuelson-Glushko Technology Law & Policy Clinic, and serves as the Director of the Silicon Flatirons Center's Entrepreneurship Initiative. Bernthal also teaches courses on venture capital, telecom policy, and spectrum management. In addition to his academic work, he has consulted as an analyst for angel investment opportunities in the Boulder and Denver area. His current research involves telecommunications policy, with a focus on technology advocacy at the FCC; and on entrepreneurship issues, with a focus upon angel investments in emerging companies. Prior to law school, Bernthal was a staff assistant to United States Senator Robert Kerrey. He started his legal career in San Francisco with Brobeck, Phleger & Harrison LLP, practiced at Hogan & Hartson, LLP, and then practiced at the Boulder law firm of Berg, Hill, Greenleaf & Ruscitti LLP.



Deborah J. Cantrell is the Director of Clinical Programs. Cantrell teaches and writes in the areas of legal ethics, lawyers and social change, and law and religion. Prior to entering the legal academy, Cantrell was executive director of the Western Center on Law and Poverty in Los Angeles, a statewide



organization committed to systemic reform on behalf of the poor. She also ran a statewide legal services program for the elderly in New Mexico. Cantrell taught at Yale Law School for six years before joining the faculty at Colorado Law.

Violeta Chapin teaches and writes in the areas of criminal defense and immigration. Before joining the faculty at Colorado Law, Chapin was a trial attorney with the Public Defender Service for the District of Columbia for seven years. There, she represented indigent defendants charged with serious felony offenses. Prior to her work as a public defender, Chapin participated in an appeal in a capital case on behalf of a death row inmate, working with attorneys at the Equal Justice Initiative in Montgomery, Alabama. Chapin has also worked with incarcerated youth in Louisiana and monitoring the state's compliance with a consent decree to provide a safe and rehabilitative environment to imprisoned youth.



Ann England spent over nine years as a public defender before joining the clinical faculty. She has worked in Colorado's state and federal public defender offices. In addition to the criminal defense clinic, England teaches trial advocacy and supervises the Hogan & Hartson Cup—the annual mock trial competition between Colorado Law and the University of Denver School of Law.



J. Christopher McKee litigates and lectures on forensic science evidentiary issues. He is the former Special Counsel to the Director of the Public Defender Service for the District of Columbia (PDS), where he served as a senior advisor to the Director and other divisions of PDS regarding potential challenges to forensic evidence. McKee also served as lead or special counsel in cases involving complex forensic issues, and maintained his own personal caseload of homicide and sexual assault cases. Prior to joining PDS, he served as an Assistant Public Defender in DeKalb County, Georgia for three years. McKee co-founded Forensic Defense Strategies, LLP, a legal consulting firm based in Boulder, Colorado that assists criminal defense attorneys with understanding and litigating forensic evidence in their cases.



McKee also served as lead or special counsel in cases involving complex forensic issues, and maintained his own personal caseload of homicide and sexual assault cases. Prior to joining PDS, he served as an Assistant Public Defender in DeKalb County, Georgia for three years. McKee co-founded Forensic Defense Strategies, LLP, a legal consulting firm based in Boulder, Colorado that assists criminal defense attorneys with understanding and litigating forensic evidence in their cases.

Colene Robinson teaches and writes on issues related to juvenile justice. She was a juvenile rights staff attorney for four years at the Legal Aid Society in New York before moving to Colorado to become the Program Director of the National Association of Counsel for Children and where she directed the NACC Resource Center. Immediately before joining the clinical faculty, she was a sole practitioner representing children and parents in child abuse and neglect and delinquency cases in Colorado. Robinson has also been recognized as one of 10 national Civitas Childlaw scholars.



Michael Soules teaches the Natural Resources Clinic. Soules joined the Law School from the Environmental Law & Policy Center, where his practice focused on clean air litigation and natural resources protection. He previously worked for the Minneapolis-based law firm of Faegre & Benson, where he represented environmental groups in several pro bono cases. Soules began his legal career in the Washington office of Sidley Austin LLP, and he also served as a law clerk for the Honorable Richard Clifton of the Ninth Circuit Court of Appeals.

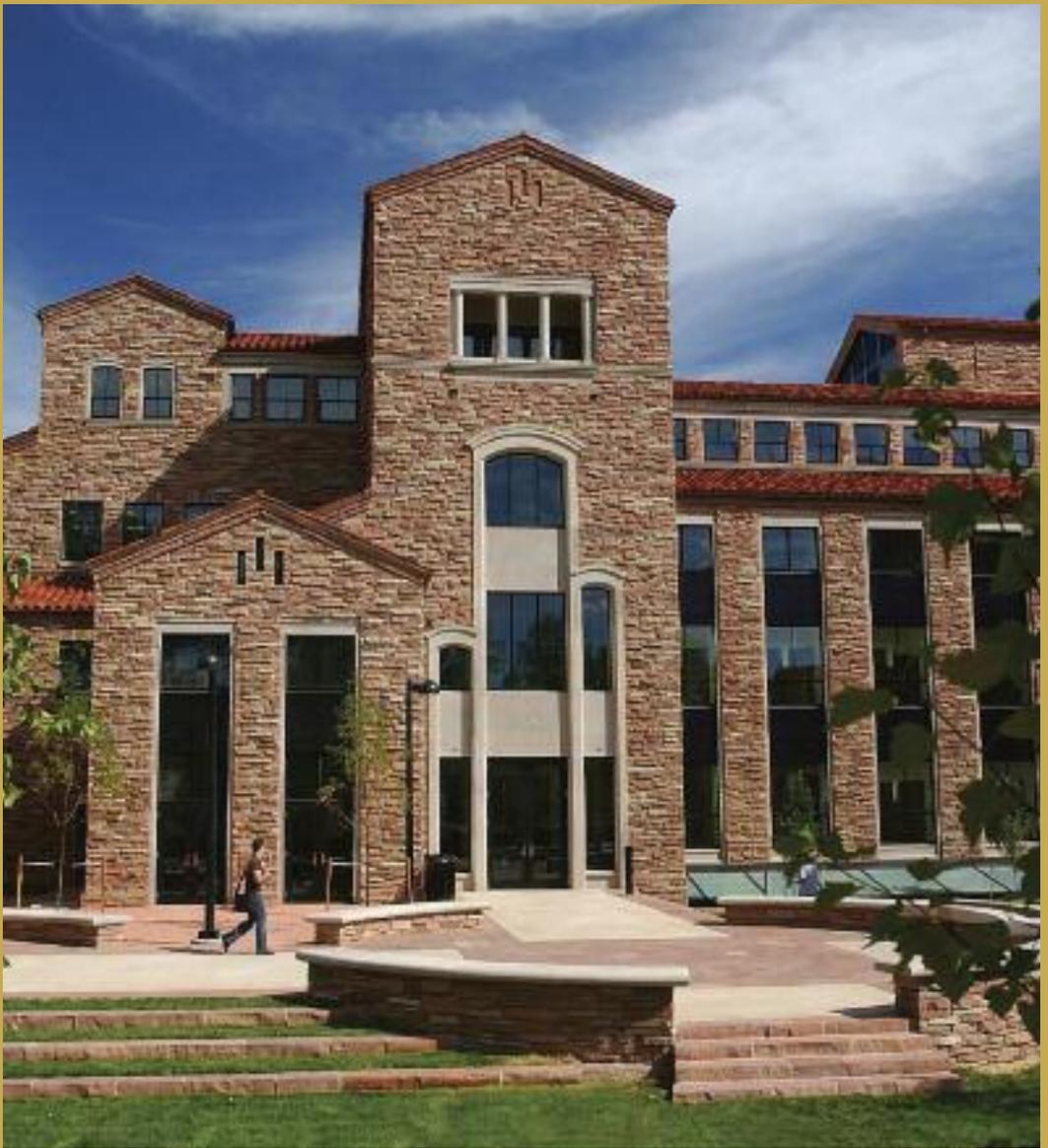


Jill Tompkins has more than 11 years of experience in federal Indian law and tribal law garnered through her legal practice, her service as a Chief Judge with the Mashantucket Pequot and Passamaquoddy Tribal Courts, and as Appellate Justice with the Mashantucket Pequot, Passamaquoddy, and Pokagon Band of Potawatomi courts of appeal. She taught at the National Judicial College, and for six years she organized and taught in the annual National Tribal Judicial Conference sponsored by the National American Indian Court Judges Association. Tompkins came to Colorado Law from the National Tribal Justice Resource Center, where she was the Executive Director.



The Clinical Program is aided by paralegal and office manager, **Renee Garcia**.

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