



LAW FOR THE COMMUNITY AND THE WORLD

Fall 2012

ON THE GREEN

CLINICS AND EXTERNSHIPS AT VERMONT LAW SCHOOL

A New Paradigm for Vermont Law School

by [Marc Mihaly](#), *President and Dean*



[Marc Mihaly](#), *President and Dean*

Margaret Martin Barry, who joined us as a visitor, has now joined us as a tenured member of the faculty as well as associate dean for Clinical and Experiential Programs.

It's no longer enough to give students the intellectual tools to "think like a lawyer." Students must be better prepared for the work lawyers do in a rapidly changing landscape. To do that, law schools must create a new paradigm that removes the separation between the classroom and the real world, encouraging seamless integration of intellectual and practical skills.

VLS has a rich tradition of providing its students with experiences that help to prepare them for practice, especially for careers in public service, social justice, and environmental stewardship. Our experiential programs will become even more important as we continue to adapt our curriculum to the changing needs of our students, the legal profession, and the world. We currently have sufficient clinical and externship opportunities to offer such experiences to each of our students. We work carefully with our students to make sure that these opportunities help them envision their roles as members of the profession.

I'm excited about taking what we do to a new level. I think there is a connection between the crisis in legal education and experiential learning—and that connection is going to save law schools that care about

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News from

[Environmental and Natural Resources Law Clinic](#)

[South Royalton Legal Clinic](#)

[Externship Programs](#)

Message from the Associate Dean

If there is any truth to the saying "time flies when you are having fun," I have to conclude that life at Vermont Law School is a blast. We are in the fall 2012 semester, a stunning progression in time. We have had the excitement of moving our two in-house clinics into 190 Chelsea Street, the new [Center for Legal Services](#). Apart from being a lovely space, the center allows these two clinics to organize more effectively and consider program expansion.

Our new dean, Marc Mihaly, has started his tenure, and Mark Latham has taken over as vice dean for academic affairs.

Both are committed to moving the school forward in building experiential learning opportunities for VLS students. Dean Mihaly shares his thoughts on this in this newsletter.

Our new [Criminal Law Clinic](#) and our reorganized [Land Use Clinic](#) have started, further expanding the opportunities that we offer our students. The [Externship Programs](#) have sent students

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[Margaret Martin Barry](#), *Associate Dean for Clinical and Experiential Programs*



The new [Center for Legal Services](#) at 190 Chelsea Street

throughout the country and abroad, working closely with mentors to provide formative learning experiences.

Indeed, we have more than enough capacity to provide a clinic or externship experience to each of our students. Our statistics show that most of our students take advantage of these offerings, with many taking more than one.

Our challenge, not unlike that for many other law schools, is to effectively integrate these experiences into our students' learning to yield optimal preparation for professional practice. We continue to work with our students to build clinics, externships, and other aspects of their legal education into the experiences that will prepare them as stewards of an uncertain and demanding future. The old equations, never as solid as we may have thought, no longer apply. Social justice, environmental justice, and any level of thinking that contemplates the common good seem to be ever subsumed in the national and local dialogue. We ask a lot of those who seek a legal education. Our students need much support in developing a vision for how their considerable abilities can yield meaningful change. The process of working with them to build that vision is what makes our work fun.

Happy fall! §

[Margaret Martin Barry](#), Associate Dean for Clinical and Experiential Programs

Building on a Strong Foundation

by [Doug Ruley](#), ENRLC Director

As of July 1, I officially joined the [Environmental and Natural Resources Law Clinic](#) (ENRLC) at Vermont Law School as its new director. My primary goal is to build on the strong foundation of this excellent law office and clinic. Over the next few years, our clinic expects to increase the number of student clinicians from about 10 per semester to about 18 per semester. This growth is possible because of our new clinic building, the Center for Legal Services, which greatly has increased the space and resources available for our student clinicians, as well as providing classrooms and high-tech communications capabilities.

The clinic's case work will continue its blend of national, regional, and local matters that raise issues related to climate change, biodiversity, water quality, and toxics. We expect to add an international component to our work, and to undertake more agricultural matters.

I believe all of this can be achieved because of our excellent staff and the amazing students the clinic attracts, several of whom I worked with as

I eased into this job during the spring and the summer terms. Among our [excellent staff](#), I was pleased to be able to move Laura Murphy to the position of associate director. Laura has served in a part-time capacity for several years, or at least has tried to keep it part time! She is now officially on board full time, a considerable benefit for us all at the clinic. Also, Ken Rumelt, who writes separately in this newsletter about technology training in the clinic, has joined us as a staff attorney. Ken completed his fellowship and we were grateful to be able to keep him on. We are all very proud of Paralegal Monica Litzelman, who received her Master of Environmental Law and Policy degree this spring, and we are grateful that she continues to broaden the expertise that she brings to the program.

I do want to share with you some of the work that we have been doing to protect the health of communities in Vermont. The clinic has a partnership with [Toxics Action Center](#), a New England community organizing group, which allows students the opportunity to perform pro bono work for community groups facing threats to public health and the environment. A group of 13 residents in Graniteville, Vermont, has formed in opposition to Northeast Materials Group's application for an Act 250 land use permit for an asphalt plant in their community. While the proposed plant would be within an area with a history of granite quarrying, the area does not currently include a smokestack industry, and it is surrounded by a residential community.

The clinic has represented the group in several hearings before the District 5 Environmental Commission, which has jurisdiction over the Act 250 application. The residents oppose the project based on air quality, stormwater runoff, traffic, aesthetics, and inconsistency with the Town Plan. "We feel strongly that this plant poses significant safety concerns for the community, and it will be particularly harmful to our clients due to the proximity of their homes and existing health conditions," said Daniel Niedzwiecki '13. Along with Zjok Durst '13 and Thomas Webb '14, Dan has worked with clinic fellow Christopher Ahlers to prepare the case and represent the clients at hearings. "The Act 250 case was a great experience. I really enjoyed being a part of actual hearings, in front of a real Environmental Commission, fighting for real citizens," added Tom. The case is pending before the District Commission. There is a right of appeal from any final decision to the Environmental Court. §



The [Environmental and Natural Resources Law Clinic](#) team L-R: [Laura Murphy](#), [Ken Rumelt](#), [Doug Ruley](#), [Monica Litzelman](#), and [Chris Ahlers](#)

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what our students need. The schools that succeed will embrace the centrality of experiential learning and not treat it as something extra. They will evolve away from thinking that classroom learning and experiential learning are separate—a false distinction that has become a hindrance—and toward a more integrated vision with experiential learning at the center.

How we get there and how fast are the details we're still working on. This much we do know—even the term “experiential learning” will have to go because much of what VLS and other schools are already doing is embracing a seamless blend of practice and theory. It's a radical change given where legal education has been, but a change that's under way, and necessary. §

Electronic Practice Tools

by [Ken Rumelt](#), ENRLC Staff Attorney

At the [Environmental and Natural Resources Law Clinic](#) (ENRLC), we train student clinicians to manage cases using electronic practice tools they are likely to encounter after graduation. Case management is a skill often overlooked in a traditional classroom setting even though it is tremendously valuable to students, employers, and clients. In appropriate cases, electronic case management lowers costs and improves the quality of representation by focusing work on relevant matters and minimizing risks. It is particularly helpful in large cases where the volume and complexity of issues and information can be overwhelming.

At the ENRLC, we focus this training on two interrelated aspects of case management: case analysis and information management. For case analysis, we work on integrating extensive facts and law into a central database to evaluate the strengths and weaknesses of the case. The critical step is structuring the case around a core set of issues. Students develop the core issues with a supervising attorney, typically from the elements of a particular claim. Students then work to flesh out the issues by building on the original structure with subissues and related concerns.



[Ken Rumelt](#), ENRLC Staff Attorney

Once the students have established a reasonable structure, they can import excerpts from legal research, documents, and depositions and begin linking facts and law to the issues. For example, a student can create a statement of material facts by retrieving and organizing all facts

related to dispositive issues on summary judgment. Because the software links a fact to its source (for example, an excerpt from a document or deposition), the student can quickly retrieve the source, reference it, and, if desired, include it in an appendix.

Although related to case analysis, information management is slightly different. We use the term broadly to include the process of obtaining, organizing, and producing documents and other sources of information relevant to the case. For example, we train students how to manage a large file review at a state or federal agency that may involve 10 or more boxes of paper files. In these large cases, our practice is to “acquire, then analyze” the information. This is made possible by advances in technology that make this strategy cost effective. We bring high-volume

portable scanners to the file review and scan every file. Afterward, we return to the office and create a document database to review and organize the files electronically. This strategy allows us to make broad requests and avoid copy costs and the need for a second or third file review. Moreover, combined with a privilege log, it also allows us to identify records that may not have been made available.

The document database becomes an incredibly helpful resource for the case itself and for educating law students about litigation. For example, students learn to prepare for a deposition by finding and reviewing each document the witness may have authored or read, or they may prepare a file for an expert's review that is organized chronologically by issue. The possibilities are literally endless. §

SRLC and UVM Collaborate to Serve Asylum Seekers

by [Arthur Edersheim](#), SRLC Staff Attorney and Assistant Professor of Law

The [South Royalton Legal Clinic](#) (SRLC) is very proud of the pro bono legal services its [Vermont Immigrant Assistance](#) project (VIA) provides to low-income noncitizens throughout Vermont. Last spring, we began a collaborative relationship with the University of Vermont's Behavioral Therapy and Psychotherapy Center in the Department of Psychology. The program involves their [New England Survivors of Torture and Trauma](#) (NESTT) program and is intended to help torture survivors file asylum applications.

The number of refugees and asylum seekers coming to Vermont has been steadily growing in recent years. The Office of Refugee Resettlement estimates that between 5 percent and 35 percent of all refugees that come to the United States have experienced torture in their home countries. The NESTT program is designed to coordinate and meet the legal, psychological, and social needs of torture survivors, their families, and their communities. This speaks directly to a particular challenge for VIA: how to best serve asylum seekers and refugees who are survivors of torture and trauma.

As the collaboration develops, Vermont Law School JD students will partner with both UVM PhD psychology students and master's social work students on cases. The goal is both to provide high-quality legal and psychological services to torture survivors as well as to have law, psychology, and social work students learn from each other as they work on cases. We will coordinate this program with [Vermont Immigration and Asylum Advocates](#) (VIAA), which constitutes the existing legal component of NESTT.

The work with NESTT last spring had VLS JD students Melinda Shishim'13, Sara Imperiale '13, and Emily Steinhilber '12 participating with UVM PhD psychology students and master's in social work students in team meetings to discuss best practices in coordinating services for asylum seekers and torture survivors. The law students developed teaching materials on asylum law and procedures that they presented to the psychology and social work students. In turn, the psychology students taught the law students the principles of basic psychological testing and procedures for evaluating suspected torture and trauma survivors. This semester, we plan to begin partnering law students and psychology students on active asylum cases while continuing the coteaching component. §



[Arthur Edersheim](#), SRLC Staff Attorney

Record Participation in Externships

by [Christine Cimini](#), Director of Externship Programs

The [JD Externship Programs](#) at VLS begin the fall 2012 semester with a record 77 participating students, 72 in our full-time externship program known as the [Semester in Practice](#) and 5 in the part-time externship program. Of the full-time externs, 13 are placed in judicial chambers while the remaining students are working and learning in a variety of practice settings all over the country and abroad. Our part-time students have a similarly diverse set of placements, but are all working in the local region.

The externship program provides an opportunity for students—through observation, participation, practice, and reflection—to improve their legal knowledge and skills and to inform and expand their vision of what the practice and profession of law can be. The program is designed to facilitate student self-directed learning, and this emphasis starts in the placement process. Externship faculty meet with students and assist them in identifying the type of experience that will help students progress in their overall goals.

At the conclusion of this counseling process for the fall semester, students seeking judicial clerkships ended up with placements in federal courts of appeals, U.S. district courts, and state trial and appellate courts. Other students are working in private firms, corporations, state government, federal government, nongovernmental organizations, nonprofits, and legal services offices. They focus on practice in areas that include criminal, environmental, water, energy, land use, climate change, conservation, natural resources, food and agriculture, animal, international, civil rights, real estate, sports, disability, poverty, and domestic violence law.

These experiences help our students envision their roles as lawyers by stepping into practice and making significant contributions. For example, Taylor Rhodes, shares her thoughts about her full-time externship at the California State Water Resources Control Board, Office of Chief Counsel:

“My SiP experience was one of the best experiences I’ve had during law school. I am originally from California and was thrilled to be able to gain practical legal experience in the state where I hope to take the bar. My interest in water law also made my placement an excellent fit because I was able to learn the nuances of the law that don’t always come across in a case book. I was able to work on a variety of assignments including writing memos, researching legislative history, and assisting with research to brief board members. I felt like the work I was doing was actually being used by the attorneys, which was rewarding in itself. My assignments were never boring and varied greatly, which allowed me to become familiar with many of the cross-cutting issues in California water law,” she said.

“The Office of Chief Counsel internship program focuses on student development and is a true learning experience. The attorneys there have an open-door policy and are encouraging and care about a student’s experience. I met with my supervisors weekly and got extensive feedback on my writing. I came to VLS straight from my undergraduate experience and didn’t have much besides my 1L summer experience on my resume. My SiP allowed me to network and build my resume and led to a great summer internship with the Department of Justice. Through my externship, I built professional skills, gained confidence, and actually learned what it means to practice law. I return to VLS to begin my 3L year reminded why I decided to come to law school and excited to begin my legal career!” §



Christine Cimini, Director of Externship Programs



Our clinics’ new [Center for Legal Services](#) opened in August 2012.

VERMONT LAW SCHOOL

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