



LAW FOR THE COMMUNITY AND THE WORLD

Fall 2013

# ON THE GREEN

## CLINICS AND EXTERNSHIPS AT VERMONT LAW SCHOOL

### Message from the Associate Dean



*Margaret Martin Barry, Associate Dean for Clinical and Experiential Programs*

Fall in the Upper Valley, Vermont – absolute perfection! VLS has welcomed a new class, the clinics are working on interesting and important cases, and the externship program is in full swing – that is, with the exception of federal placements in the wake of the shutdown. Last week, in the coffee shop/book store that occupies a corner of our new clinics building, students and faculty members gathered for the first Open Mike sponsored by the student run store. Espresso coffees, brownies and other goodies played a distant second to poetry, singing and instrumental music, and comedy. It was magic – a reminder of the extraordinary students who find their way to VLS and the community that welcomes them.

In this newsletter are updates from our Externship Program, from several of the Clinics, introduction of a new course in Law Practice Management, and Faculty News.

Wishing you all a successful and enjoyable fall semester!

### The Externship Program

by *Professor Christine Cimini, Director of Semester in Practice and Externship Programs*

Like many schools across the country, VLS is struggling to adjust to the impact of the government shutdown on student externs placed in federal agencies. At this point, 8 VLS students are impacted by the shutdown. Two students are placed at the Environmental Protection Agency, one student is at the Department of Education, and 5 students are at the Department of Justice in several different divisions. After consulting with faculty involved with the program, we decided to provide a series of measures for the students, some of which came from the excellent exchanges on the Lextern listserv. Students were initially asked to seek take home work from their supervisors.

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### News from

[Environmental and Natural Resources Law Clinic](#)

[South Royalton Legal Clinic](#)

[Law Practice Management](#)

[The Faculty](#)

### Criminal Law Clinic DUI Testing Seminar

by *Visiting Associate Professor Robert Sand, Senior Policy and Legal Advisor for the Vermont Department of Public Safety*

On October 2, the 6 students in Vermont Law School’s Criminal Law Clinic arrived at class to find a uniformed police officer, a volunteer (not a student), and two of their clinic professors (one a current prosecutor and one a former prosecutor). Prior to class the students were instructed to review materials posted on the course website about the law surrounding screening motorists for possible alcohol impairment.



Following a “roundtable” discussion about the applicable law concerning roadside screening of possible impaired drivers and a candid exchange between the students and the officer, the officer instructed the students in how to conduct roadside

dexterity exercises known as SFST’s (standard field sobriety tests).

The students learned how to administer the HGN (horizontal gaze nystagmus), walk and turn and one-leg stand tests. Additionally, the students had an opportunity to blow into a handheld breath testing device.

Throughout the class, the volunteer would occasionally step behind a partition and consume alcohol. The students could not see how much alcohol was being consumed.

The class culminated with the students practicing the SFST’s and then conducting the tests on the drinking volunteer and predicting his alcohol content based on their observations of his performance. Interestingly,

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However, this was not an option for most. Students who could not take home work were instructed to read the Congressional Research Office's report on the effects of the shutdown, *Shutdown of the Federal Government: Causes, Processes and Effects*, and to provide a 2-3 page journal entry reflecting on the impact the shutdown will have on the services provided at their placements. Then, at the end of last week when the shutdown continued, students were asked to do a court observation assignment, or, in the alternative, choose to extend the time at the end of their externship. Recognizing that the shutdown may continue for a while, we reached out to VLS DC area alumni for projects and supervision and got a full range of enthusiastic offers. So, the students have options, but, of course, their hope is that they can return to their planned placements as soon as possible.

Overall, 40 students are on full-time externships this fall, so many are not affected by the shutdown. Most of the placements are with a range of environmental organizations, including government, non-profits and law firms; the second largest area of placement for this group is criminal prosecution or defense. Five full-time students are placed with federal court judges, and one is with a state court judge. Six students enrolled in part-time externships this semester, and are working in a range of placements including trial court clerkships, estate planning, land use, and real estate practice. §

## Law Practice Management

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

While neither a clinic nor an externship, the Law Practice Management course that will be offered for the first time at VLS this coming spring is designed to be highly interactive and to introduce students to the business end of running a firm. Upon successful completion of the course, students will be aware of the significant elements to consider when opening or joining a firm or being a productive member of a small firm. The course will emphasize the ethical and practical issues in planning the process of opening a firm, managing law firm finances, basic accounting structures, marketing a practice, attracting clients and managing client projects to an appropriate outcome, working with people that the students will encounter in the practice of law, and the technologies used in the practice of law. The course will be taught by James Knapp, a practitioner and the coordinator of the Vermont Bar Association's Law Practice Management Program. §

## Environmental and Natural Resources Law Clinic (ENRLC)

by [Professor Laura Murphy](#), Associate Director, ENRLC

One of the ENRLC's projects is representing the Vermont Public Interest Research Group on the passage and defense of labeling legislation for genetically engineered foods in Vermont. The clinic conducted extensive legal research and drafted a comprehensive memo about the constitutionality of state labeling legislation, which was shared with state officials as well as labeling advocates in other states. Associate Director Laura Murphy and student clinicians testified before Vermont's House Committee on Agriculture and Forest Products, and Laura has continued to testify and speak on this issue in other committees and states. In addition to VPIRG, the clinic is working closely with a coalition of partners including Rural Vermont, the Northeast Organic Farming Association, and Cedar Circle Farm. Vermont's labeling bill passed the House in May, and will be taken up by the Senate when the legislature reconvenes in January. The clinic looks forward to continuing its work on this issue. §



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and not surprisingly, the HGN test was the most accurate predictor of impairment of the three SFST's.

In addition to being fun, the class balanced the law with very practical "hands on" learning critical to prosecuting or defending DUI cases – cases that form a substantial part of any state criminal justice system. By prior arrangement, a non-drinking driver safely brought the volunteer home after class!

The co-teaching of the clinic by the faculty composed of prosecutors and defense attorneys continues to be a success. Students try misdemeanors, work on felony trials and work on appeals. Anna Saxman (Defender General's Office) and Brian Marsicovetere (private defense firm that also handles assignments from the state) continue in the clinic; David Cahill (Deputy State's Attorney for Windsor County), is a new addition to the teaching team, taking over for Robert Sand. Robert Sand continues with the clinic, but, in a new addition to the clinic offering, has moved from being Vermont State's Attorney for Windsor County to being Senior Policy and Legal Advisor for the Vermont Department of Public Safety. In that capacity, he runs a program out of the law school to develop innovative criminal justice practices in Vermont with a special emphasis on the creation of DUI Treatment Courts. Arwen Gaddis, the student who works with Professor Sand on this project, is helping him to develop and promote the treatment courts throughout the state. §

## Grants Support Victims and Survivors of Domestic Abuse

by [Professor James May](#), Director of South Royalton Legal Clinic

South Royalton Legal Clinic recently was notified of the award of two grants that will support its representation of victims and survivors of domestic violence in the coming years. The Canaday Family Foundation made a two year award specifically for such representation, and the clinic was also notified last month by U.S. Senator Patrick Leahy's office that DOJ has made a major three-year award under the Legal Assistance for Victims (LAV) program to four Vermont programs – Vermont Legal Aid, the applicant; cooperating entities South Royalton Legal Clinic; Women Helping Battered Women (WHBW); and Voices Against Violence (VAV) – for representation of DV clients in three northwestern Vermont counties; SRLC's role will be to provide such representation to immigrants in those counties. SRLC is a major resource in the state for representation of victims and survivors of domestic violence, both in the citizen and immigrant communities. §





## Faculty News



[Christine Cimini](#) was recently appointed Associate Dean for Research and Faculty Development. She will also continue in her role as Director of the Externship Program.

[Art Edersheim](#) will be leaving as a member of the clinical teaching faculty at South Royalton Legal Clinic. His semi-retirement will have him teaching Immigration Law indefinitely, and in spring of next year he will continue his clinic work on the New England Survivors of Torture and Trauma project, a collaboration between VLS and the University of Vermont's Psychology Department to address the needs of victims of torture. Art has been with the clinic for many years, and his retirement will be felt well beyond the confines of the law school.



[Maryann Zavez](#) will also be leaving the South Royalton Legal Clinic after many years of dedicated service to her clients and students. Maryann looks forward to pursuing more fully a career in nursing – something that she has back-burnered for several years due to the consuming demands of the clinic.

[Margaret Martin Barry](#) has joined the South Royalton Legal Clinic. She is working on some of the cases that Art and Maryann will be leaving as well as take on new cases. Margaret recently was admitted to practice in Vermont, and has served this past year on the Supreme Court's Self-Represented Litigants Committee and the Vermont Bar's Access to Justice Committee. She looks forward to contributing to the service the clinic is known for throughout the state.



[David Cahill](#) has joined the Criminal Law Clinic as part of the team of adjunct faculty who teach and supervise students in the clinic. David is a Deputy State's Attorney for Windsor County and will supervise students prosecuting a range of criminal matters in the county.

[Michele Childs](#) joined the Legislative Clinic last spring, co-teaching the clinic with David Hall. This coming spring, Michele will run the clinic, coordinating assignments in the Office of the Legislative Council and supervising students in their work as the Vermont Legislature returns for its next session. David Hall will continue to teach the Legislation course at VLS, a pre-requisite for the Legislative Clinic. Both Michele and David are attorneys at the Office of the Legislative Council and adjunct professors at VLS. The clinic is offered in the spring semesters only, consistent with the period in which the Legislature is in session. §



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