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Spring 2023

### William & Mary Law School Clinical Program News (2022-2023)

William & Mary Law School

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# **WILLIAM & MARY LAW SCHOOL CLINICAL PROGRAM NEWS**

2022–2023



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# LETTER FROM THE DIRECTOR



**Stacy Kern-Scheerer**  
Director of Clinical Programs

Another academic year has come to a close at William & Mary Law School. As you will see in this Newsletter, our students and faculty have once again been hard at work. Our faculty continue to teach and mentor our students through the trials of real-life lawyering, preparing students for the actualities of practice. Our students continue to thrive in an environment where they are challenged to take their classroom learning and put it to work for real clients. As faculty, we see students consistently dive into their Clinic work, invigorated when learning practical skills, and energized when discovering they really can do hard things. Watching students become confident, capable lawyers before our eyes never gets old, and is an inspiration every semester. We cannot say enough how proud we are of our students.

We are also excited and proud to announce that Professor Jim Wheaton is joining us as the new Director of our PELE Special Education Advocacy Clinic. We know that Professor Wheaton – with his decades of special education advocacy experience – will continue the outstanding legacy that the Special Education Advocacy Clinic has earned in the community over the many years since its inception. I hope you will join me in welcoming Professor Wheaton.

Finally, as I write this although the hallway of the Clinical wing is a little quieter than it was last month, it is by no means silent. From my office, I can hear the rising 2Ls and 3Ls who are summer interns in the Puller Clinic stop and ask Professor Mike Dick a question about a case. I can hear an Immigration Clinic intern answering the phone and taking down the caller's information. This buzz of activity serves as a reminder that as we look back on this past year in the Clinical Program, we never stop moving forward. We are always working in service of our mission to train the next generation of skilled attorneys while providing outstanding pro bono representation to vulnerable communities. We are grateful to everyone, including students, faculty, alumni, and friends, who contributes their talent and treasure to our Clinical Program. Without you, our work – past, present, and future – would not be possible. Thank you.

Kind regards,

A handwritten signature in black ink, appearing to read 'Stacy K'.

Stacy Kern-Scheerer  
Director  
June 2023

## GIVING TO THE CLINICAL PROGRAM

Experiences like these for students are made possible by the Clinic's generous supporters. Your support allows students in all of our Clinics to provide quality legal support to clients on a wide variety of issues and gain invaluable experience on their journey to becoming Citizen Lawyers.

You can support our Clinical Program's mission to continue to address the unmet legal needs of our community by clicking [here](#).

# APPELLATE & SUPREME COURT CLINIC



Appellate Clinic students participate in class in the Penney and Young Courtroom

The Appellate Clinic finished its year having worked on more than 15 cases for Virginia's Office of the Attorney General. The students also helped two William and Mary Alumni prepare for arguments in their cases.

## DOMESTIC VIOLENCE CLINIC



Darryl Cunningham, Director Domestic Violence and Family Law Clinics, and Juanita Graham, Director of Outreach Services Avalon Center

**Clinic students learn from practitioners, gain hands-on training to represent domestic violence survivors in the community**

Students in the Domestic Violence Clinic begin the semester by learning about trauma-informed interviewing techniques during Avalon Center trainings.

## STUDENT VOICES

"The Domestic Violence Clinic trained us in trial advocacy throughout the semester. The semester began with an interactive training by the Avalon Center, which emphasized the importance of a trauma-informed approach to lawyering in the domestic violence context. We learned key concepts like the Power and Control Wheel and how challenges beyond physical violence--such as immigration consequences or custody issues--can complicate survivors' interactions with the legal system. We also had the opportunity to conduct mock witness examinations before providing client representation in local courts. The highlight of the semester for me was working with a client to secure a protective order. Gaining experience with client representation and courtroom practice was extremely valuable and is something every law student should have the opportunity to do."

Valerie Brankovic, '23



# ELDER & DISABILITY LAW CLINIC

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EDLC Co-Director Erin Smith and student Angela Tiangco, '23, finalize documents with a client. (\*photo used with permission)

Elder and Disability Law Clinic ("EDLC") students provide free legal assistance for qualifying seniors and disabled individuals and their families. **Clinic students assist clients with creating plans to deal with current legal and financial issues and to prepare for the future and with drafting the necessary documents to carry out those plans.** Specifically, the EDLC assists with wills, powers of attorney, living wills, probate administration, and guardianship/conservatorship actions.

Currently, the Clinic is responsible for roughly sixty client cases and forty client cases completed and closed in the Spring semester. Clinic students work with clients through the entirety of the estate planning process and guardianship process from intake to executed documents and orders.

Clinic students engage in lectures and discussions about elder and disability law, conduct client interviews, and discuss with clients the planning options available to them. Clinic students host office hours where they answer and respond to client and prospective client inquiries. The Clinic has students taking phone calls and responding to client and prospective client inquiries over 20 hours per week. Additionally, Clinic students are available to make presentations throughout the greater Williamsburg community (and beyond if virtual options are available) to educate seniors and their families and caregivers on important issues in the field of elder law. **Over the course of the 2022-2023 school year, Clinic students have served over one hundred fifty clients and provided legal services amounting to nearly \$1,500,000.**

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## Supportive Decision-Making: How Guardianships and Conservatorships Are Treated Internationally

By Shelby Horner, '23



Like many treaties of its ilk, the Convention for Persons with disabilities ("CRPD" or the "Convention") was created with the intention of protecting and supporting vulnerable communities internationally. The treaty was created through a collaborative process of hundreds of people with disabilities worldwide. Through thirty-seven articles, the Convention has paved the way for countries to ensure equal rights, representation, and respect for those living with disabilities abroad. One of the many themes the convention addresses is the legal capacity for people with disabilities to make their own decisions and be treated equally under the law.

Supportive decision making under Article 12 of the CRPD allows an individual to keep their legal capacity before the law. Supportive decision making provides an individual with a support system that will work in solidarity with them to act and speak on their own behalf. According to the Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities, there is no set policy framework for how supported decision-making model should be achieved and it can be realized through many different forms.

Giving state parties an open field in which to build their model of supportive decision making is important as each state has different resources, customs, and interpretations of the Articles and their own laws. Although parties are given a lot of deference, some state parties have been quicker to make changes than others.

**Read the complete entry and more EDLC student blog entries [here](#).**

# FAMILY LAW CLINIC

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Judge Lida  
Kharooti Sayeed



Judge Judith Kline

At a joint event hosted by the Family Law and Domestic Violence Clinics, **students heard from two jurists**, the Honorable Lida Kharooti Sayeed, a lawyer and judge from Afghanistan, and the Honorable Judith Kline, a retired Juvenile and Domestic Relations District Court judge for the City of Newport News.

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## "The client's voice speaks loudest": Reflections from a 3L Student-Attorney



By Vincent DiDonato, '23

As a Student Advocate at the Family Law Clinic, I had the rewarding opportunity to meet with clinic clients in divorce and custody matters. The clinic's client files tell only part of the client's story. **Meeting the client in person provides an emotional depth beyond the legalese of pleadings that I prepare in client matters.**

During my semester in the clinic, I accompanied Darryl Cunningham, the Clinic Director, to meet with a client in a divorce action. The purpose of the meeting was to determine whether the home in which the client previously resided with their spouse was marital property. The clinic's files provided the bare facts.

The spouse had ejected the client from the home after cohabitating for over a year. Although the spouse purchased the home, the spouse earned income from employment obtained during the marriage. Not only did the client confirm the story, but we discovered that the spouse had disposed of the client's personal belongings without the client's permission shortly after their separation. The client recounted how they discovered their belongings in the garbage outside the home and that the spouse went so far as to sell some of the client's property at a yard sale.

The client then discussed custody issues arising from disputes with the spouse over the children. The client's children resided with the spouse, but a custody order required weekly visitation with the client despite the spouse's disapproval of the arrangement. The children were aware of the acrimony. Through tears, the client recounted how the children no longer smile and laugh. Although I was familiar with the facts of the divorce action before the meeting, the client's file alone could not have prepared me for the emotional breadth of the meeting. No legal file can fully capture the depth of the client's experience that it documents. The client's voice speaks loudest from across the table.

# IMMIGRATION CLINIC

## The Class of 2023: Responding to the Community's Extraordinary Need



The Immigration Clinic Class of 2023 exceeded every measure for a class. This year, more students than ever before enrolled in Immigration Clinic I and II and all students enrolled in Clinic I in the Fall of 2022 chose to enroll in Clinic II, continuing their work in the Clinic in the Spring of 2023.

With the increased enrollment, the Clinic filed more applications for permanent immigration status and work authorization than any other year before. **In total, the Clinic submitted more than 95 motions, applications, and petitions during the 2022–2023 Academic Year.**

Over the course of the year, students enrolled in the Clinic represented immigrants in Hampton Roads from all over the world on a variety of immigration matters, including affirmative and defensive asylum, U Visas for victims of crime, applications for Temporary Protected Status, petitions for the Removal of Conditions on Lawful Permanent Residency, and naturalization. **In their casework, students spent hours preparing client interviews, conducting client interviews through an interpreter, drafting affidavits, motions, and briefs, and researching country conditions.** In addition to their case work, students wrote blog posts to educate the public about immigration law and the Clinic's work.

This year marks many firsts for the Clinic. In addition to preparing filings and research, students attended or appeared on behalf of Clinic clients in an astounding 11 USCIS interviews and DOJ hearings in the Fall and Spring semesters. For the first time this Spring, Clinic students have appeared at asylum interviews before the Arlington Asylum Office, representing individuals and families from Afghanistan who are seeking permanent safety in the United States. This Spring was also the first opportunity for Clinic students to appear before the Department of Homeland Security in their Norfolk Field Office for green card interviews.

Students in the Immigration Clinic were on the front lines of responding to Afghans' need to maintain lawful status while other applications remain pending. On average, Afghan clients' petitions for lawful status through asylum or lawful permanent residency have been pending for 270 days with no final answer, with some applications pending well over a year. While clients are waiting on these final decisions, **Clinic students filed over 50 applications for Temporary Protected Status and accompanying work authorization to help bridge the gap between humanitarian parole and permanent status in the United States.**

The Class of 2023 also celebrated important victories for Clinic clients, including obtaining lawful permanent residency for a child whose documents were lost in the fall of Kabul and ensuring that the daughters of a domestic violence survivor from Central America were able to join her here in the United States. Students also celebrated when the fee waivers that they prepared were approved, which saved clients **over \$11,000** this academic year.

"Once again, the students in the Immigration Clinic have gone above and beyond," said Clinic Director Stacy Kern-Scheerer. "The numbers, which are staggering, speak for themselves. And importantly, with every number, there is a human story. There are lives changed. And not just those of our clients, but also of our students. These students are leaving W&M Law having done hard work and having grown in their professional skills and their professional identities in profound ways that they will take with them in their work and personal lives. I am so proud of them."

Special thanks to the Class of 2023 for their dedication to the rights of immigrants in Hampton Roads. We are appreciative for your work for our community and for your dedication as the next generation of advocates.



# IMMIGRATION CLINIC



Immigration Clinic Director Stacy Kern-Scheerer and Prof. Nicole Medved with their Spring 2023 Immigration Clinic 1 class

## Excerpted from the Flat Hat

Law School Immigration Clinic wins first Asylum case for Afghan refugee  
By Joseph Wehmeyer–April 13, 2023

Mr. R, whose identity remains anonymous for confidentiality, is one of thousands of individuals evacuated from Afghanistan after the Taliban took control of Kabul in August 2021. According to Immigration Clinic Fellow Nicole Medved, the Clinic has taken on more than 50 Afghan cases similar to Mr. R's story.

To combat challenges that may arise in immigration cases, the clinic teaches and practices what Clinic Director Stacy Kern-Scheerer calls "trauma-informed advocacy." This training requires the team to gather the necessary facts and information needed for cases as both advocates and lawyers, while also being mindful of the history of trauma and violence experienced by many clients.

"You have to have very difficult conversations and people have to talk about the worst things you could possibly imagine," Kern-Scheerer said. "Then I put that in the context of our legal system. There's not a lot of trauma-informed mechanisms built into [it]. We have to bridge that space as attorneys and representatives."

Valerie Stoneback J.D. '22 and Michael Arnone J.D. '22 prepared Mr. R's case, drafting his affidavit and researching country conditions to corroborate the written statement.

Almost one year after beginning work with the clinic, Mr. R's asylum case was approved, allowing him to live in the United States and pursue his dreams of higher education. Stoneback and Arnone, who have both graduated from the Law School, reflected on their time at the clinic.

"I found the Immigration Clinic so rewarding and impactful for me personally because it was a chance to work with clients who would otherwise just fall through the cracks," Arnone said. "I felt like I was making a difference."

Stoneback echoed a similar sentiment.

"It was the best experience of law school for me," Stoneback said.

Mr. R. will be eligible for his green card in one year and his U. S. citizenship five years after that.

"This job is hard," Medved said. "But we also get really big wins."

"To be able to grow the clinic and serve more students and community members is incredibly important to me," Kern-Scheerer said. "The experience that students are having here will have a ripple effect. There will be more people who do this work and are able to provide that representation that is so needed."

\*To read the Flat Hat article in its entirety click [here](#).

## *This year by the numbers...*

~18 students enrolled

~105 hours devoted to clinic work each semester per student on average

~97 submissions to the U.S. Departments of Homeland Security, Justice & State

~11 hearings & interviews before the U.S. Departments of Homeland Security & Justice

~\$11,000+ saved in fee waivers

# INNOCENCE PROJECT CLINIC



Fred Gerson, Innocence Project Clinic Director, and guest speaker, Beverly Monroe, who, for more than a decade, fought her wrongful conviction and to prove her innocence.

## STUDENT REFLECTIONS

"In the W&M Innocence Project Clinic, we work alongside the Mid-Atlantic Innocence Project **to screen cases of incarcerated folks making claims of their innocence**. The work can be challenging. A reason why the Clinic is a full year is because of the various hurdles that are often inherent in the process, such as bureaucracy, uncooperative or deceased witnesses, and aging or faulty evidence. In class, we discuss our cases, the avenues we may seek in them, and hear lectures about topics such as corrupt policing and DNA evidence. We also hear from guest speakers, who are involved in the innocence process. The main highlight is the connection forged with my client. We speak each Friday about his case and any updates I may have. In the process, I have gotten to know him quite well, and have a true understanding of his case. Through the year, I have learned quickly analyze complex and lengthy case details and facts, investigative strategy, and how to better work cooperatively with my peers."

--Krishant Dania, '23

"I signed up because I wanted to do something more hands-on, and the Clinic's mission resonated with me. As a result of this experience, **I gained a deeper appreciation for the flaws and inequity in our criminal justice system** and the challenges of fighting for someone's innocence. In addition, I appreciated the yearlong format, as it helped me to dive into each of my client's cases and do as much work as possible on their innocence claims."

--Maxfield Daley-Watson, '23



# PULLER VETERANS BENEFITS CLINIC

## A Chain Unbroken: Perseverance and Paying It Forward in the Face of Unpredictable Timelines

By Caleb Stone

The Lewis B. Puller, Jr. Veterans Benefits Clinic at William & Mary Law School has been helping veterans with their disability compensation claims for well over a decade. Historically, the Clinic has usually taken complicated cases because they are where legal help is most needed and are the best for training students to be effective lawyers. In addition to the complexity of these cases, the unpredictability of decision timelines in the Department of Veterans Affairs disability compensation system makes it challenging for students to see the outcome of their hard work before the end of an academic semester. Most students advocates come to the clinic with the understanding that another student will be assigned to a case when the Clinic proves victorious.

**“It’s critical that students all ‘row the boat’ diligently in the same direction, especially on cases that pass through several students. If there’s a weak link in the chain, we may not see the results that we’re looking for.”**

**~Prof Caleb Stone**

“Some of the other clinics at William & Mary Law School might see a case start and resolve in the same semester; because of the nature of the VA system, we’re just not going to see that happen,” said Prof. Caleb Stone. “That’s why it’s critical that students all ‘row the boat’ diligently in the same direction, especially on cases that pass through several students. If there’s a weak link in the chain, we may not see the results that we’re looking for.”

Some cases take months for the Clinic to resolve, while others take years. For example, the Clinic took a case in April 2021 with the goal of service-connecting the client’s PTSD, which was related to military sexual trauma. The Clinic saw the issue resolved in August 2021. Students Jon Bell, Lauryn Hardy, and Daniel Tick were assigned to the veterans’s

case. But this result is atypical, and most litigation takes much longer. On the other end of the spectrum, last spring’s Clinical Programs newsletter contained a story about a case that had been continuously litigated for over two decades. Most cases are in the middle, as illustrated by three victories the Clinic won this Spring.

To start, Mrs. M is the widow of an Army veteran, Mr. M. Mr. M alleged that the VA’s negligence in treating him led to his prostate cancer. Unfortunately, that cancer eventually contributed to his death during the pendency of his CAVC appeal. The Clinic took the case in the Fall of 2020. It won a remand at the Court for Mrs. M in 2021, and the VA finally acknowledged the VAMC’s negligence in December 2022 and that his death was compensable in March 2023. These decisions allowed Mrs. M to receive accrued benefits that Mr. M was entitled to before his death—about \$59,000—and entitlement to Dependency and Indemnity Compensation—monthly payments of over \$1,500. The students assigned to the case were Mila Kilgore, Timmer McCroskey, Kelsey Anliker, Sam Petto, Rucha Pandit, Rebecca Girardin, and Alex Owens.



Puller Clinic students working on cases during office hours

# PULLER VETERANS BENEFITS CLINIC

Continued

As another example, the Clinic has represented Mr. B, a Vietnam War-era Army veteran, for several years. Mr. B had an Other Than Honorable Discharge and went AWOL for a lengthy period due to severe psychological difficulties experienced during his service. He fought his case on his own for decades before the Clinic started representing him in 2016, when it advocated at a Board of Veterans' Appeals hearing on his behalf. **After several years of hard work fighting bureaucratic intransigence, the students finally got him a disability rating in 2021 and about \$80,000 in past-due benefits in March 2023.** Even though the Clinic and client are pleased with the results, the Clinic believes that Mr. B has not yet received his full share of benefits. Accordingly, the litigation continues. The cadre of students who worked on his case was Brooke Shaffer, Brittany McGill, Hayley Steffen, Ari Alatraste, Alex Woo, William Bishop, Kairu Huang, Steven Foster, Alyssa Kaiser, Kelsey Reichardt, Jessie Smith, Rucha Pandit, Meg McCarthy, Dave Keirstead, Forest Via, Alex Chumbley, Michael Hays, Nora Chetcuti, and Shakuan Smith.

Finally, another veteran who has benefited from the Clinic's services is Mr. S, a 44-year-old Iraq War veteran with severe PTSD, back pain, and urinary incontinence. He has been unable to work consistently since service because of these problems. **The Clinic started representing him in the Spring of 2018 and got his PTSD service-connected in May 2020.** In May 2022, the Clinic got the VA to acknowledge that Mr. S is 100% disabled.



Professors Dick and Stone in a combined Puller Clinic class session

Finally, in March 2023, the Clinic got the VA to give Mr. S an earlier effective date for his 100% rating, **which resulted in around \$79,000 in past-due benefits.** The students who worked on Mr. S's case include Benny Zhang, Brett Morgan, Abigail Mitchell, Jeff Tyler, Alyssa Glass, Nick Sas, Matthew Edwards, Parker Zopp, Jared Tuck, Nate Dominy, Michael Hays, Ian Slingsby, and Jason Winston.

For his part, Jason also worked on a submission for another veteran that the Clinic expects to lead to success in a few years, once the Board of Veterans' Appeals decides that client's case. While Jason won't be at William Mary to see the results of his work here, he is pleased to be the student who was working with Mr. S when his claims were finally resolved—even if most of the hard work had been accomplished by his predecessors. "There's nothing more fulfilling than when, after years of work, we can achieve our clients' goals," stated Jason. "And although students won't get to personally see the results of their hard work, it's a gratifying feeling to know that, down the line, the work we do today is meaningful and important."

## *By the numbers...*

Total # of Claims Won: 867

Total Past Due Benefits Won:  
\$9,843,463.00

Total Lifetime Expected Benefits  
Won: \$69,547,170.82

Value of Other Benefits Won:  
\$166,874.19

CAVC Record: 35 wins



# FACULTY NEWS



Tax Clinic Director Craig Bell was awarded the American Bar Association Tax Section's 2023 Pro Bono Award. Craig has been an Adjunct Professor at William & Mary Law School for 23 years!

Congrats, Craig!

Kudos to Stacy Kern-Scheerer, Director of Clinical Programs and the Immigration Clinic, recipient of the 2023 William & Mary Thomas Jefferson Teaching Award. This Award is bestowed every year on one younger faculty member of the William & Mary community who "has demonstrated, through concern as a teacher and through character and influence, the inspiration and stimulation of learning to the betterment of the individual and society as exemplified by Thomas Jefferson."



Congratulations to J. Nicole Medved of our Immigration Clinic! The Law Faculty and the Board of Visitors voted to promote Nicole to Professor of the Practice beginning in August 2023. Nicole has been a tireless advocate, teacher, and mentor in the Immigration Clinic since August 2020. Nicole is a critical member of the team that makes the Immigration Clinic so effective, and we are incredibly fortunate to have Nicole as a faculty member in our Clinical Program!

Welcome to Jim Wheaton, the new Director of the PELE Special Education Advocacy Clinic. Jim Wheaton brings strong special education and disabilities-related experience to the Law School. He has devoted the entirety of his decades of legal pro bono efforts to representing students and families in special education matters and has provided pro bono representation of national, Virginia statewide, and local disability rights organizations as amici curiae. He has deep ties in the special education community in our region, including having served as a member on the Chesapeake, Virginia, School Board from 1991-2000, and as a member on the Special Education Task Force, as well as a predecessor board to the Virginia Board for People with Disabilities. Welcome Jim!



# STUDENT RECOGNITION



Congratulations to Maggie Reach, '23, this year's recipient of the Puller Clinic's Bozman Award

Congratulations to Ian Slingsby, '23, this year's recipient of the Clinical Legal Education Association Award



Congratulations to Clinical Program student employee Valerie Brankovic. After graduation, Valerie will serve for two years as a Law Clerk at the D.C. Superior Court in Washington.





# WILLIAM & MARY LAW SCHOOL

CLINICAL PROGRAM