UNIVERSITY OF DETROIT MERCY SCHOOL OF LAW CLINICAL PROGRAM

The Clinical Program at the University of Detroit Mercy School of Law (UDM) was one of the earlier clinical law programs in the U.S. The first UDM clinic (the Urban Law Clinic) began in 1965. Students represented defendants during the 1967 riots and later received an award for their work. In 1971 the Free Press commented on the law students at UDM shaking things up. In 2003, the Clinic initiated the first Mobile Law School Office (RV) program in the country and in 2006 the Clinical Program received the ABA- Law Student Division award for its public interest work. In 2011-12 the UDM Clinical Program will become required for every student at UDM Law. Students will each be required to do an in-house clinic prior to their graduation.

Most of the Clinics listed below are located at UDM Law School, 651 E. Jefferson, Detroit, Michigan 48226.

The present UDM Law Clinics include:

1) The Veteran's Clinic-

The Veterans Clinic assists many veterans with disability claims. UDM students work with veterans and develop case files for subsequent hearings. The students do this in part by going out with a Mobile Law Office (a converted RV) to interview veterans at different centers and events, including large veteran gatherings. Students also conduct presentations and advise veterans about disability law and how to initially file a claim. The Veterans Clinic travels throughout Michigan to meet with and help veterans, including going to the Upper Peninsula. This program is supported by the Michigan State Department of Human Services. The Clinic also conducts an independent program where students and some faculty visit select sites outside of Michigan.

Once a case is undertaken, the students write briefs and advocate at hearings on behalf of the veteran. Since its inception in 2007, the Clinic has recovered hundreds of thousands of dollars in benefits.

The Veterans Clinic utilizes two (2) Mobile Law Offices (converted RV's) to go out with students to especially meet with the veterans in Michigan. The program is quite successful and recently the ABA-Young Lawyers Division selected UDM's Veterans Clinic to partner with its members during the coming year. UDM will train the Young Lawyers Division attorneys, through educational webinars, to handle pro bono disability cases. The Veterans Clinic is already conducting webinars for other potential pro bono attorneys, who assist veterans with their claims. This group includes hundreds of Michigan attorneys who have received either live training or training through webinars.

More recently, the clinic has been working with the Ingham County District Court 54-B in developing a Veterans Treatment Court. The program is designed to assist veterans in dealing with cases before the District court. A similar program is being considered by the 36th District Court in Detroit and the Veterans Clinic will look to help in developing that program as well.

2) The Veterans Appellate Clinic

The Veterans Appellate Clinic concentrates on appeals to the highest Veterans Court, the U.S. Court of Appeals for Veterans Claims (CAVC). Students work with case files, just as they do in the initial Veterans Clinic. However, students also prepare extensive appellate briefs to argue the legal issues. The Appellate Clinic is similar to veteran clinics that exist at other law schools. It provides UDM law students the opportunity to become familiar with Veterans disability law, administrative law and appellate practice. The Clinic is team taught by Professor Tammy Kudialis and Professor Robert Walsh. In the Fall of 2011, the Court of Appeals Veterans Court will come to Detroit from Washington to conduct hearings at the UDM School of Law.

3) The Consumer Defense Clinic

The lead Professor for the Consumer Clinic has been Ian Lyngklip, a nationally known consumer lawyer. Professor Lyngklip also recently headed up the National Association of Consumer Advocates.

The Clinic itself is a timely one. Debtors are sometimes pursued by collection attorneys for monies that appear to be more than what is owed. There are even questions about actions being brought after a statute of limitations may have run. Moreover, much of the consumer debt is bundled and assigned in a manner similar to the mortgage debt that was bundled prior to the 2008 downturn.

The students represent clients in the 29th District Court in Wayne and the 43rd District Court in Madison Heights on consumer claims. They file motions and go to trial on specific issues for the clients. To date, the students have been successful in about 70% of their cases. An expansion of the Clinic is being contemplated to bring similar advocacy for defendants to other District Courts.

4) The Mortgage Foreclosure Clinic--

As the name implies, Mortgage Clinic students typically represent individuals who face losing their homes due to mortgage foreclosures. The Clinic also represents homeowners in land contract forfeitures and tax foreclosure proceedings that have novel legal issues. Students also address issues pertaining to mortgage fraud. Specific examples of cases the Clinic may handle include:

a) Predatory Lending where lenders and mortgage brokers induce homeowners to refinance existing home mortgages through misrepresentation and coercion. The loans are of little benefit to the consumer, characterized by very high costs and interest rates;
b) Loan servicing where loan servicers fail to properly credit payments and improperly assess charges, fees or costs, resulting in improper foreclosure;
c) Loan Modification where loan servicers agree to participate in a Home Affordable Modification. However, the lenders later refuse to enter into a permanent modification after borrowers have met all required criteria;

d) Tax escrow, where lenders fail to pay property tax payments causing a property tax foreclosure.

The students are assigned up to 3 active cases per student each semester depending on the case complexity and the work required. They investigate the claims and put together information that will support a potential challenge. The students also do counseling with programs such as one that recently occurred at Cobo Hall for mortgagors. Students and faculty also make presentations to other groups on mortgage issues that may arise.

5) The Immigration Clinic-

Professor Koelsch, who directs the Immigration Clinic, recently received the Professor of the Year award from the National Association of Immigration Attorneys. The Immigration Clinic itself is located at 111 E. Kirby in the International Institute (near Wayne State). This setting allows students an immersion in immigration issues.

Students in the Clinic deal with a broad range of issues, including visa applications, citizenship work, residence questions, domestic/immigration issues, "Padilla" related issues and asylum cases where persons are persecuted in their homeland but have applied for asylum to remain in the U.S. Through the years students in the Clinic have represented clients from Cameroon, Rwanda, Uzbekistan, Congo, Albania, Mexico, etc. Although wining in Immigration Court is not easy, the Clinic has had a high rate of success while helping persons in dire need. Students interview clients and develop cases in both the Detroit and Chicago Immigration courts and file appellate briefs on behalf of other clients. The experience in the Immigration Clinic develops multiple skills that can be translated well into other areas of the law.

6) Criminal Trial Clinic-

Students work in a Criminal Misdemeanor Clinic where they are on their feet every week before a Judge in a Michigan District court. The students' interview clients, negotiate pleas, make and argue motions and conduct trials on behalf of criminal defendants. In doing so, they become familiar with the ins and outs of local criminal court procedure and rules. Of all the clinics, this is the one most active in terms of day-to-day appearances. The court hours depend upon which court the students will be appearing in. A student needs to be available to go to court on either Monday afternoons, Wednesday mornings or Wednesday afternoons. They presently appear in 32-A District court in Harper Woods, the 38th District Court in Eastpointe, the 52nd District Court in Troy and the 35th District Court in Plymouth.

The Criminal Trial Clinic is co-taught by Professor Michael Morgan, Professor Richard Krisciunas and Professor Gilbert Donohue, for a total of 111 years of combined experience in criminal law practice and teaching in Michigan.

7) SADO Criminal Appellate Clinic.

The SADO Criminal Appellate Clinic at UDM is headed by Desiree Ferguson of SADO. The hybrid Clinic has an excellent record over the past few years. Normally, a criminal appeal receives a remand in only 1 of 10 cases or less. The UDM students have been obtaining remands at a rate of about 1 in 6. Normally, there is no reversal of criminal judgments on appeal. Yet, UDM students have been obtaining reversals at a surprising rate.

Initially, the UDM students identify and develop relevant issues for an appeal. They draft a brief that is designed to be persuasive and accurate. And then redraft it many times over. The writing experience clearly helps students develop advanced writing skills.

Students also meet with their clients in prison and draft the appellate briefs to either the Michigan Court of Appeals or the Supreme Court of Michigan. Students argue their case before a select panel of attorneys in preparation, but they may in the future be able to argue their case before the Michigan Court of Appeals. This new opportunity arises from recent changes in the Michigan Court Rules. The Criminal Appellate Clinic represents a significant learning experience for students in developing effective appellate advocacy.

8) The Mediation Training Class and Mediation Clinic-

Recognizing the importance of ADR going forward, especially Mediation, UDM has developed a Mediation Clinic in two phases. In the first phase students do a version of the Mediation 40-hour training together with additional academic materials. These Trainings are taught by Barbara Johannessen in a day course and by Wayne County Mediation through Emily Corwin and Susan Butterwick in an evening course. The trainings allow students to develop initial negotiation and mediation skills through exciting experiential learning.

The second phase is the Mediation Clinic itself. The Clinic allows students to do numerous solo mediations in a Michigan District Court or with the Wayne Mediation Center. Each student conducts 10-15 mediations a semester. In the classroom, students learn various advanced theories about ADR and learn numerous techniques for conducting successful mediations. One great benefit in doing the Mediation Clinic is further developing negotiation skills. The Mediation Clinic is taught in the Fall by Professor Martin Reisig, a well-known mediator in Michigan and is taught in the Spring by the Wayne County Mediation Center through Professor Emily Corwin and now through its Director, Bern Dempsey.

The future of law practice will be mediation, rather than litigation. So, this Clinic is appropriate for law students to prepare for the future of the law.

9) The Urban Law Clinic-

As previously mentioned, the overall clinical program at UDM began in 1965 with the Urban Law Clinic. Over the past seven years students in the Urban Law Clinic have represented vulnerable senior clients in various cases, including social security disability cases. Students have recovered hundreds of thousands of dollars in benefits for vulnerable seniors. Litigation

skills are garnered by students through interviewing clients, developing case facts and legal theories, writing briefs, conducting hearings and assisting clients in understanding the process.

Students also handle some consumer cases, predatory lending cases, and drafting of wills and other end of life documents. They also go out to the Oakland County Law Library, as part of a program with the Oakland County Bar Foundation, to interview and counsel potential clients. In addition, students do presentations for various groups on issues facing seniors, including financial rip-offs and consumer scams. Students also go out on the MLO and meet with clients at various other centers throughout the Detroit area.

In the Fall of 2011 UDM will be initiating two additional clinics. These include:

10) The Youth Justice Clinic-

The Youth Justice Clinic will provide students with an opportunity to represent indigent youth in juvenile courts in the Detroit area. The Clinic will predominantly be a litigation clinic and its mission will be to provide client-centered representation to youth in all aspects of delinquency proceedings from preliminary inquiry to disposition. This Clinic will allow students to learn how to practice ethically, think independently, synthesize facts and legal principles and plan litigation strategies. Students will appear in court regularly for preliminary inquiries, pre-trial conferences and various hearings. In addition to interviewing clients, investigating facts and negotiating a case, the students will conduct motions and adjudications. Clinic students will also work closely with the youth, their families, schools, communities0 and social service providers to address additional client needs. The Clinic is being initiated by Professor Sarah Jane Forman.

11) Juvenile Appellate Clinic-

This Clinic will involve students in the representation of children in appeals to the Michigan Court of Appeals from trial court proceedings in the Wayne County Juvenile court. The appeals will almost exclusively involve child protective proceedings (abuse and neglect) although there may be some student exposure to juvenile delinquency proceedings on appeal.

Students will be expected to prepare written assignments based upon observation of the court system and exercises from the Duquette & Haralambie text. Students will also prepare a brief in an appeal pending in the Court of Appeals and will argue their side of the appeal to an expert panel of attorneys. In the future, students may potentially argue the appeal in the Court of Appeals through changes made in the Michigan Court Rules. The Appellate Clinic will be team taught by Professor William Ladd and Professor Deborah Paruch. Through this pairing students will develop advanced writing skills and a significant understanding of juvenile law and appellate practice in Michigan.

“Theory and Doctrine…into Practice.”

To obtain more information about UDM’s Clinics and their work you can contact the following directly:

1) Professor Peggy Costello (313) 596-9854 or (mcostello@dykema.com). She will assist you in learning more about the work of the Veterans Clinic.
2) Professor Tammy Kudialis (313) 596-9409 or (tammymk1@aol.com) and Professor Robert Walsh (313) 596-9851 or (rpwalsh@sbcglobal.net) will provide information about the Appellate Veterans Clinic and its significant appellate work before the CAVC, as well as the travels of Veterans Clinic students in the MLOs.
3) Professor Joon Sung (313) 596-0235 or (joonlaw@gmail.com can provide more information about the Mortgage Foreclosure Clinic.
4) Professor David Koelsch at (313) 622-5691 or (koelscdc@udmercy.edu) can provide more information about the Immigration Clinic.
5) Similarly, information about the Consumer Defense Clinic can be supplied by Professor Michael Bryce at (313) 596-0256 or brycemi@udmercy.edu and Professor Ian Lyngklip at (248) 208-8864 or (Ianlyngklip@att.net).
6) Information about the Criminal Trial Clinic is available through Professor Michael Morgan at (248-828-0160) or (mmorgan181886@comcast.net), Professor Richard Krisciunas at (313) 596-0269 or (rkrisciu@yahoo.com) and Michelle Van Horn at (313) 596-0262) or (vanhornm@udmercy.edu).
7) Information about the SADO Criminal Appellate Clinic can be gleaned by contacting Professor Desiree Ferguson at (313) 256-9833 or (Dferguson@sado.org).
8) And to learn more about the Mediation Training class and Mediation Clinic you can contact Professor Martin Reisig at (248) 258-6222 or Mireisig@aol.com and Professor Emily Corwin at (313) 561-3500 or ebcorwin@mediation-wayne.org.
9) And, on the Urban Law Clinic, or the work of any of the Clinics, you can contact Professor Michael Bryce, at (313) 596-0256 or (brycemi@udmercy.edu).