To: School of Law Visiting Committee

From: Professor William P. Quigley
       Director

Date: November 5, 2008

Re: Law Clinic and Gillis Long Poverty Law Center Report

LOYOLA LAW CLINIC FACULTY AND STAFF


I. LOYOLA LAW CLINIC

The Loyola Law Clinic has a long and unique history in the City of New Orleans, having the distinction of being the first law clinic of its kind in the area. From its inception in 1972, has been a clinic deeply rooted in the local community and attentive to local needs. The law clinic could be best described as a litigation clinic, typically centered around civil rights, criminal and domestic law litigation, homeless advocacy and the representation of long term immigration detainees. Its pedagogical focus was, as it remains today, to provide to its student practitioners the greatest degree of involvement in the practice of law. As set forth below, hurricane Katrina brought new pedagogical challenges for its teachers as well as social challenges to its students who had to learn to operate in a new learning environment, while continuing to address the traditional issues, as well as the new issues brought in by the rebuilding efforts.

A. CRIMINAL LAW SECTION

Approximately 80% of the criminal defendants who appear in Criminal District Court are indigent. Loyola Law Clinic was regularly appointed to represent indigent clients in matters ranging from misdemeanors to felony offenses. Representation could start as early as the initial appearance,
which occurs within 48 hours of arrest, prior to formal charges being accepted. In other cases, appointments would not be made until after arraignment. In all cases student practitioners represent the client in every aspect of the criminal process. They learn the importance of early intervention by interviewing the client, and witnesses, conducting fact investigation, and filing the necessary pleadings for discovery and motion practice. Students are also trained in legal research and writing, oral argument and direct and cross examinations at both the pre-trial and trial level. In addition, student practitioners argue before the 4th Circuit Court of Appeal as well as the Louisiana Supreme Court.

B. FAMILY LAW SECTION

Students represented indigent clients in divorces, child and spousal support, and custody cases in two Parishes, Orleans and Jefferson. Additionally, we were court appointed "attorney for the child" in highly contested custody cases and in juvenile “Child In Need Of Care” (CINC) cases. The Family Law section consist of: courtroom observations, client interviews, assignment of family law/juvenile/curator cases, fact investigation, discovery, preparation of pleadings, legal research, memoranda writing, court hearings, status conferences, settlement conferences, preparation for trial, and trial.

C. IMMIGRATION LAW SECTION

The Immigration Law Section represents non-citizens, including asylum seekers, torture survivors, arriving aliens, stowaways, long-term permanent residents, and aliens with criminal convictions, who were placed in removal proceedings while detained by the U.S. Department of Homeland Security. We also conduct, on a regular basis, a “Know Your Rights” immigration law seminars to pro se litigants at detention centers in Louisiana.

D. PROSECUTION SECTION

Students are placed in the Orleans Parish and Jefferson Parish District Attorney's Office and the Domestic Violence section. Students prosecutors are assigned to a section of court, handled a docket with their senior and junior prosecutors, and conducted trial investigation and preparation of witnesses. Additionally, the student prosecutors participates in all aspects of the trial process, including judge trials, motion hearings, jury trials, jury selection, and direct and cross examination of witnesses.

E. CIVIL RIGHTS/WORKPLACE JUSTICE PROJECT

The Law Clinic continues to accept appointments of cases from Federal Court of prisoners whose civil rights have been violated and who are able to get legal representation from the private bar. After Katrina hundreds of workers seeking jobs made abundant by the destruction came to the city. Many of these workers, some undocumented, others not, have become victims of unscrupulous local and out of state contractors, resulting in a multitude of legal issues ranging from violations of the Fair Labor Standards Act-Wage and Hour Law to non-payment of wages, breach of contract, unjust enrichment, and/or workman’s compensation claims. Many workers have been left cheated, homeless and/or injured by virtue of these violations. The legal community, specially those providing free legal services, were simply unprepared for the need; hardly any legal services are available to meet those
needs on a no-cost basis. In light of that unmet need, the law clinic re-directed those students doing federal work, into what currently operates as the Workplace Justice Project. This Project has sought out and established collaborative alliances with local and national groups, and has sought to identify the immediate and long term needs of the old and new worker communities, and also address the legal void in enforcing the rights of those workers post Katrina. Much work needs to be done in this area.

F. HOMELESS ADVOCACY

The Loyola Law Clinic has been providing the homeless community assistance since August of 1997. The Law Clinic continues to provide homeless advocacy to the homeless community. In collaboration with Unity for the Homeless, Ozanam Inn, Harry Tompson Center, Covenant House, NOLAC, New Orleans Pro Bono Project and various homeless shelters, Judson Mitchell provides legal representation to homeless individuals who are arrested and incarcerated.

G. MEDIATION SECTION

The Mediation Section of the Law Clinic was created in the Fall of 2007 with a grant from ICF Emergency Management Services, LLC. The Mediation section provides services to parties involved in disputes pertaining to the quality and/or quantity of work performed on homes damaged by the hurricanes of 2005. The mediators attempt to resolve these disputes without costly and time consuming litigation. The Law Clinic was able to hire an office manager and two attorneys/mediators to run the Mediation Section of the Clinic.

H. KATRINA ADVICE CLINIC

The Katrina Advice Clinic Law Clinic continues to assist people of New Orleans with hurricane Katrina related issues. We collaborate with Loyola’s University Ministries and Environmental Communications department to provide the students with a cultural historical, political, and socio-economical look at the impact of the storm on the areas devastated by the hurricane. The law clinic has set up a Katrina phone line where law students can return phone calls to people seeking advice to their Katrina problems. The students research the issues and assist the callers with advice, referrals and advocacy. Furthermore, the Katrina students coordinators created an intake form and prepared informational, referral, and self advocacy handouts. The students visit local churches and other outreach posts in the devastated areas to assist people with their issues. Clinic faculty members continue to collaborate with recovery groups state wide speaking on panels and making presentations to various organizations on a city, state, and national level.

II. CONCLUSION

Loyola Law Clinic continues to promote an awareness of social justice issues by providing its students with an academic foundation while allowing them to practice law by representing indigent clients in the various sections of the clinic program.
The Gillis Long Poverty Law Center continues to provide a wide range of activities for Loyola students and graduates. Programs ordinarily sponsored in the fall will continue along with programs customarily held in the spring.

The Loan Repayment Program has been restructured making it possible for awards to be tax exempt for participants employed in low paying public service positions.

The Center will continue to provide stipends for Summer Internships with public interest law firms. The Law Clinic and the Gillis Long Poverty Law Center have several joint projects including the Student Pro Bono Project, the Homeless Advocacy Project, and the Catholic Legal Immigration Network Project on Detained Immigrants.