



Clinics at UCI Law

Supporting Community, Teaching For Justice

In the six years since UCI Law's first four clinics opened their doors, our students have worked with passion and skill to obtain justice for our clients. The number of in-house clinics has grown from four to fifteen. We have a vibrant externship program, with four types of courses, ranging from a semester in Washington, D.C. to more than 100 summer placements for academic credit. Students in the 2017 graduating class completed an average of two in-house clinic courses and one externship course.

From the start, our clinics have partnered with others to support communities, both one client at a time and on a larger scale. Whenever possible, we work with other legal service and advocacy organizations to increase the kind of services available and number of people served. Each clinic strives to undertake some legal work to create positive change beyond the individual clients represented. The highlighted cases and projects on each clinic card provide examples of our larger impact.

Our clinic faculty believe in teaching for justice. We work to instill in each graduate the desire to dedicate, throughout their career, some portion of their time to pro bono legal representation. We strive to give each student a rich experience in practicing law, under close supervision, as the client's primary legal representative. We offer continuous feedback and opportunities for reflection. Our goal is to provide every graduate with an excellent start in developing the competencies needed to practice law at the highest levels of our profession.



Core Clinics

- Appellate Litigation
- Community and Economic Development
- Criminal Justice
- Domestic Violence
- Environmental Law
- Immigrant Rights
- Intellectual Property, Arts, and Technology
- International Justice

Elective Clinics

In addition to a guaranteed placement in one of UCI Law's eight core clinics, second- and third-year students have the opportunity to enroll in an elective clinic. Second- and third-year students may also enroll in their core clinic for additional semesters.

- CA Department of Fair Employment & Housing Civil Rights
- Civil Rights Litigation
- Cyber Victims Defense
- International Human Rights
- Reproductive Justice
- Startup and Small Business
- Veterans



CRIMINAL JUSTICE CLINIC

Highlighted Project: Protecting DACA Status

One client of the clinic was a college student with DACA status (Deferred Action for Childhood Arrivals) charged with misdemeanor DUI. The student had never been in trouble before. He searched the internet for an attorney and paid one several thousand dollars to advise and represent him. When the student asked his attorney if pleading guilty to the DUI would affect his DACA status, the attorney wrongly told him that it would not.

After filing for DACA renewal a year later, the student learned he would lose his DACA status and faced deportation because of the DUI conviction.

The student was referred to the Criminal Justice Clinic, where clinic students determined the best course of legal action was to file a motion to withdraw his guilty plea and see if the prosecution would offer a plea to a misdemeanor that would not automatically revoke their client's DACA status.

The students researched, wrote and filed a motion to withdraw the plea, and created a packet of letters, photos, and other evidence that supported the exercise of prosecutorial discretion. The prosecutor ultimately agreed to let our client withdraw his plea, and to plead instead to the misdemeanor of reckless driving. Our client now has the opportunity to continue his college education and remain in the U.S. with his family.

Criminal Justice Clinic

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The Criminal Justice Clinic represents low-income individuals in state criminal court and helps non-citizens seek post-conviction relief when facing immigration consequences of past criminal offenses. Helping non-citizens find relief from past criminal convictions and ensure they can stay in the United States with their families is a priority for the Criminal Justice Clinic. The clinic also collaborates with community organizations to work towards broader reform of the criminal justice system.



INTELLECTUAL PROPERTY, ARTS, & TECHNOLOGY CLINIC

Highlighted Project: DMCA Exemptions

In 2015, the clinic was lead counsel for nationwide coalitions of filmmakers and authors that successfully petitioned the Library of Congress for exemptions to the copyright laws in order to protect creators' ability to make "fair use." Filmmakers and authors have long held the right to make fair use of copyrighted material for uses like criticism and commentary. But the Digital Millennium Copyright Act, enacted in 1998, made it illegal—and in some cases, a crime—to access copyrighted content by breaking technological protection measures like encryption. The result is a deeply chilling effect on both filmmaking and authorship. For more than a year, clinic students advocated in an intensive, multi-stage rulemaking process that Congress set up to remedy this effect. The resulting exemptions allow documentary filmmakers, as well as authors offering film analysis, to access encrypted content on formats like DVD and Blu-ray in order to criticize or comment on that content in their films and e-books.

In 2016, the clinic won a *California Lawyer* Attorney of the Year award for this work.

Intellectual Property, Arts, & Technology Clinic

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Susan Seager, Lecturer
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In the UCI Intellectual Property, Arts, and Technology Clinic, students work to support innovation and expression in the digital age by advising and representing clients on a range of matters dealing with copyright, patent, privacy and media law, among other areas. Clients include artists, entrepreneurs, filmmakers, nonprofits, policymakers, and scientists. Through this work, clinic students gain important legal skills while examining the role of the public interest in intellectual property and technology law.



APPELLATE LITIGATION CLINIC

Highlighted Project: Securing Protection for Victims of Childhood Abuse

One of the Appellate Litigation Clinic's most significant victories was securing asylum for a persecuted citizen of Mexico who suffered childhood abuse because of his sexual orientation.

Carlos Bringas-Rodriguez sought asylum in the United States, asserting that Mexican officials were unable or unwilling to protect him from repeated sexual abuse. The clinic represented Bringas-Rodriguez at the en banc court of the Ninth Circuit Court of Appeals.

A prior Ninth Circuit ruling held that a victim of childhood abuse based on sexual orientation could not establish persecution because he failed to prove that Mexican officials were unable or unwilling to protect gay children, rather than gay people generally, from sexual abuse at the hands of private actors.

But in the *Bringas-Rodriguez* case, the en banc court held that requiring proof of unwillingness or inability to protect gay children specifically, as opposed to gay people generally, was inappropriate because it imposed upon child victims of private persecution a heightened evidentiary burden and de facto reporting requirement which is virtually impossible to satisfy because of the victims' status.

This decision clarifies that gay children who suffer abuse on account of their sexual orientation can establish persecution by demonstrating that the government is unable or unwilling to control persecution of gay people generally, and that victims of childhood persecution also need not prove that the government was unable or unwilling to control child abuse. It is also significant to the extent it clarifies that child victims of private persecution are not required to report their abuse to authorities.

Bringas-Rodriguez represents a significant victory for children who are persecuted because of their sexual orientation, and enabled our client to seek asylum and other relief.

Appellate Litigation Clinic

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This is a two-semester clinic for third-year law students, providing an effective transition to practice. Students take real, live appeals from the Ninth Circuit Court of Appeals, involving a broad range of significant issues, and litigate their appeal to its conclusion. Students review the lower court record, research and develop a theory of the case, write opening and reply briefs, and argue before the Ninth Circuit. Students have opportunities for client contact whenever possible, and participate in advising the client on the progress of the appeal.

In almost every case, the clinic offers our clients a final chance to seek and obtain relief from any court in the United States.



ENVIRONMENTAL LAW CLINIC

Highlighted Project: Ensuring Green Means Green

During fall 2017, clinic students will assist a national non-governmental organization in its fight against a proposed renewable energy project on the edge of pristine public lands, including a newly-designated national monument near the California-Nevada border. While most people may assume all renewable energy projects are “green,” the clinic will help ensure this project complies with existing environmental laws and does not threaten other protected areas, species, and natural resources.

In another matter, students are assisting two grassroots organizations in an all too common fight against the proposed expansion of a hazardous waste facility in a low-income, predominately Spanish-speaking, Latino community that is already disproportionately impacted by pollution.

In both cases, the clinic will help to serve clients’ efforts to protect and enhance public health and the environment for today, and for generations who do not yet have a voice.

Environmental Law Clinic

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The Environmental Law Clinic provides students with the opportunity to work on important and challenging matters involving the protection and enhancement of the environment and human health. Clinic students take an early and active role representing clients in litigation and policy matters. Students advocate on behalf of clients in courts and before administrative tribunals, while also providing advice and counsel to clients regarding legislative, policy, and strategic matters.

In its first six years, clinic students have worked on a diverse range of matters, including:

- Initiating actions to protect water quality and enforce the Clean Water Act
- Assisting coastal communities to plan for climate change adaptation
- Advising a coastal community in its fight against on-shore oil drilling
- Protecting important desert lands against development and exploitation
- Encouraging and requiring compliance with the California Environmental Policy Act and the National Environmental Policy Act.

Taking advantage of its placement within a premier law school and research university, the clinic maintains relationships with other parts of the law school and UC Irvine campus, including the Center for Land, Environment, and Natural Resources, the School of Social Ecology, and the Program in Public Health.



DOMESTIC VIOLENCE CLINIC

Highlighted Project: Amicus Brief to Protect Immigrant Children

In April 2017, the clinic, with co-counsel Mayer Brown, LLP and the Family Violence Law Project, filed an amicus brief in a significant California Supreme Court case involving domestic violence, juvenile immigration status, and child custody. *In re Bianka M.* involves a minor seeking Special Immigrant Juvenile (SIJ) status, a federal immigration status created by Congress to provide protection to undocumented, unaccompanied children who enter the United States after experiencing parental abuse, neglect, or abandonment.

Bianka, an unaccompanied minor, came from Honduras to the United States at age 13. She reported that her father physically abused her mother while she was pregnant with Bianka, including beating her mother with a machete. He abandoned the family before Bianka was born. Bianka requested that her mother be granted sole custody of her in California and that the court certify her SIJ status. The lower court denied her requests, finding that because Bianka's purported father was in Honduras, Bianka or her mother would have to solicit cooperation from him for the California court to exercise jurisdiction.

The amicus brief discusses how this decision, if allowed to stand, would broadly impact the ability of abused, neglected, and abandoned children to obtain SIJ status findings necessary to escape abuse. The lower court's ruling places abused children, children of abused parents, and survivors of abuse in the dangerous position of having to bargain with the abusive parent in order to be protected from that parent. The brief points out the lower court decision contradicts fundamental principles of California family and domestic violence laws, which prioritize the child's interests and require courts to lessen (rather than enhance) an abuser's power over a survivor of domestic violence. Oral argument is expected to occur in fall 2017.

Domestic Violence Clinic

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Area of expertise: Family Law

Law students in the Domestic Violence Clinic provide transformative representation to abuse survivors and their children to help them achieve freedom from violence. Students learn to be client-centered, culturally sensitive, and reflective advocates while honing their trial and lawyering skills, engaging in community education and policy advocacy to create broader systemic change, and helping clients secure safety. The Domestic Violence Clinic serves clients in crisis in comprehensive ways, and clients and students alike report extraordinary results from their clinic involvement.



COMMUNITY AND ECONOMIC DEVELOPMENT CLINIC

Highlighted Project: Shady Lane Mobilehome Park

In 2012, the clinic joined with California Rural Legal Assistance to represent residents of a mobile home park in the Coachella Valley in suing the owner for untenable living conditions. Most residents are farmworkers, living with inadequate electrical, water and sewage systems. During frequent summer electrical outages in sweltering desert temperatures, residents had no air conditioning. Raw sewage bubbled up inside and outside residents' units. In December 2014, the parties agreed to a settlement, providing our clients with the right to purchase the park.

At our clients' request, the clinic formed a nonprofit, tax-exempt entity, Shady Lane Mobilehome Park, Inc., to purchase the park. The clinic prepared and filed an application for a Conditional Use Permit with Riverside County to allow the park to operate legally. Clinic students launched an online crowdfunding campaign to raise funds and met with potential lenders. The clinic secured a \$250,000 state grant for planning and design to bring public water and sewers to the park, and another \$70,000 grant to provide drinking water. In 2016, Shady Lane borrowed funds from Caritas, Inc., a mission-driven housing organization, and became the new owner. Caritas manages the park and uses rental income to improve conditions. The clinic and Caritas have agreed that once the County issues the CUP, Shady Lane and Caritas will form a limited liability company to own and manage the park. When the park has public water and sewer, Caritas will become the owner.

This may be the first time a law school clinic litigated a habitability case and served as the de facto developer. The result is a tremendous improvement in our clients' lives. Many California farmworkers live in similar conditions. We hope to replicate this project for other clients.

Community and Economic Development Clinic

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Area of Expertise: Real Estate Law

The Community and Economic Development Clinic focuses on issues of community and economic development in low- and moderate-income populations, emphasizing non-adversarial, transactional approaches to advocacy. Nevertheless, because our primary concern is to solve our clients' problems by the most effective means available, the clinic also represents clients in litigation matters.

Our work focuses on housing and homelessness issues, small business and nonprofit development, community, and policy initiatives designed to improve our client communities. We represent a nonprofit corporation that operates a community garden in Ontario, a group of medical students who have formed a nonprofit to create and operate the first needle-exchange program in Orange County, and a group of small business owners seeking to preserve the identity of downtown Santa Ana. We also represent a nonprofit dedicated to the preservation of Mexican American culture in the Santa Ana community in its purchase and management of a building.

Many of our clients reside in mobile home parks, and much of our work revolves around the myriad problems of park residents. The clinic is counsel for farmworkers living in a substandard park in the Coachella Valley, low-income residents concerned about park management practices in San Bernardino, and residents seeking to purchase and operate a park in San Juan Capistrano. Through this work, we have become one of the primary resources in Southern California for pro bono legal services to mobile home park residents. Students and faculty travel to these sites to meet with clients, testify at public hearings and appear in court.



INTERNATIONAL JUSTICE CLINIC

Highlighted Project: Monitoring Freedom of Opinion and Expression in Turkey

In November 2016, two clinic students accompanied Professor David Kaye, clinic director and UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, on a fact-finding mission to Turkey. The goal was to assess the freedom of expression situation in the country in the wake of an attempted coup and a series of terrorist attacks, and amidst an alarming crackdown on civic space and public discourse in the country.

Clinic students participated in meetings with government officials in Ankara, as well as meetings and interviews with journalists, activists, writers, artists, lawyers and imprisoned individuals in Ankara and Istanbul. Clinic students also conducted research to prepare the Special Rapporteur for his mission, and helped draft oral and written statements summarizing preliminary findings. Students also contributed to the final report presented to the UN Human Rights Council, which detailed the deteriorating conditions for freedom of expression in the country and recommendations to the Turkish government based on their obligations under international human rights law.

International Justice Clinic

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Amos Toh, Clinical Fellow

The International Justice Clinic works with international activists, NGOs and scholars to develop and implement strategies for the protection of human rights. In 2014, Clinic Director David Kaye was appointed the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression—the organization’s chief monitor of freedom of expression trends and abuses worldwide. Clinic students support the Special Rapporteur’s work by investigating major attacks and challenges against free expression and related human rights, in areas such as digital censorship and surveillance, hate speech regulation, threats against journalists and activists, and the erosion of artistic and academic freedom.

Clinic students pursue research, conduct on the ground fact finding in cross-cultural settings, engage in coalition building and multi-stakeholder dialogue, and prepare policy documents and recommendations. Clinic students also engage with local activists to explore specific country situations, and help develop regional networks of defenders committed to free expression.



IMMIGRANT RIGHTS CLINIC

Highlighted Project: Bond Representation

Over the past decade, the number of immigrants detained by federal authorities has grown at alarming rates. Although immigration proceedings are civil in nature and immigration detention is not supposed to be punitive, conditions can be as bad as those found in the criminal system. Isolated from their families and communities, detained immigrants face profound pressure to forfeit meritorious claims in order to remain in the United States.

Since 2014, clinic students have represented and assisted detained immigrants in their efforts to obtain freedom from detention. Clinic students meet clients at the Adelanto Detention Center in San Bernardino County or at one of several facilities in Orange County. Students investigate facts, formulate a theory of the case, prepare evidence and serve as primary representatives at detainees' bond hearings. The clinic's bond clients include some of the most vulnerable in the immigration system—those who have survived domestic or childhood abuse, fled persecution, struggle with mental illness, are recovering from drug or alcohol addiction, or face stigma and discrimination as a result of their criminal records. Bond is often a turning point in their cases. Clients have won important relief ranging from cancellation of removal orders to the acquisition of visas.

In total, students have assisted nearly 50 detainees, many of whom were subject to prolonged detention, and secured the release of more than 20.

The bond project is highly regarded and has become a model for other law clinics and pro bono programs.

Immigrant Rights Clinic

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Emi MacLean, Lecturer
Areas of Expertise: Immigration
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The UCI Immigrant Rights Clinic launched in 2011 as part of UCI Law's visionary experiential learning program. Clinic students, working under close faculty supervision, provide direct representation to immigrants on matters ranging from detention and deportation defense to workplace exploitation and protection of civil and constitutional rights of immigrants. The clinic also provides legal support to grassroots organizations working on critical issues affecting low-income immigrants in the region. The clinic strives for and models high-quality, holistic, and transformative lawyering. It acts in accordance with the foundational insight that the community is best served when lawyers help empower marginalized individuals and groups to advocate for themselves.

In past years, complex cases undertaken by the clinic have included the representation of youth referred to ICE by juvenile probation officials, community members alleged to have gang ties, immigrants in deportation proceedings requiring post-conviction relief, and LGBT immigrants seeking asylum and other forms of protection. Other representative projects have included:

- Establishing wage theft projects in Orange County and Pasadena, California in collaboration with the National Day Laborer Organizing Project and Colectivo Tonantzin
- Winning back wages owed to hotel cleaning staff and warehouse workers
- Litigating a federal suit in Maricopa County, Arizona, with Puente Arizona to challenge the criminalization of immigrant workers
- Working with a coalition in Santa Ana, California to pass a bold and far-reaching sanctuary ordinance



EXTERNSHIPS AT UCI

Highlighted Placement: Attorney General of the Rincon Band of Luiseno Indians

The Externship Program at UCI Law takes great pride in supporting both student-initiated and faculty expertise-driven placements. Recently, a UCI Law student's interest and a UCI Law Professor's expertise and contacts came together to provide an especially fulfilling externship for Olivia Weber '17.

Weber was the first UCI Law extern with the Rincon Band of Luiseno Indians, located in Valley Center, California. Rincon is a sovereign government recognized by the U.S. Constitution, the U.S. Congress, court precedent, and federal policy. Democratically elected by a majority vote of tribal members, the Rincon Tribal Council has the executive, legislative, and legal authority and responsibility to protect and promote the welfare of the tribal members and jurisdiction over the reservation land. The tribe has a trust relationship with the federal government, and, like state governments, is responsible for enforcing all applicable federal laws from environmental to taxation on the reservation.

Professor Seth Davis is an expert on federal litigation and public administration and teaches Federal Indian Law at UC Irvine School of Law. Weber, a student in Davis' class, got to work one-on-one with the Rincon Attorney General, assisting her with legal representation of the Band by conducting research, writing analytical memoranda, and drafting legislation, commercial contracts, and intergovernmental agreements.

"This experience confirmed that I would one day like to advocate on behalf of a tribe," Weber said. "It was a full introduction to Federal Indian Law and Tribal Law."

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UC Irvine School of Law's strong emphasis on experiential learning includes a robust Externship Program, which provides academic credit for students doing legal work in field placements locally, across the country, as well as internationally. In the field, externs learn how practicing lawyers and judges handle facts and law and integrate theory and skill in real time, facing the sometimes-tough choices and conditions that exist in legal careers. The program increases students' understanding of the fundamental values of the legal profession, including a commitment to promoting access to justice and the ethical practice of law.

Our program encourages students to create their own placements, building on and applying the knowledge they have gained in their substantive coursework. Our faculty offers full support by developing placements through their community contacts and using their expertise to serve as faculty advisors. With part-time opportunities offered in every semester, including summer, and full-time opportunities available in the academic year, the Externship Program at UCI Law can support every students' learning and career goals.

Additionally, as a school partner in the UCDC Law program, UCI Law offers a uniquely collaborative, full-semester externship program in Washington, D.C. Through this total immersion in the theory and practice of Washington lawyering, students have contact with all three branches of the federal government, independent regulatory agencies, and advocacy nonprofits.