

NEWSLETTER OF THE LAW AND PUBLIC SERVICE PROGRAM

Spring 2007

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FROM THE DIRECTOR

Welcome! Our new Law and Public Service Program is off to an excellent start, and we are eager to share information about our Program, our students, and our successes. We have moved into a new Suite, located in room 358 of the law school building. In the Public Interest Practicum, Habeas Project, Public Defender Clinic, and Capital Defender Clinic, and pro bono and volunteer opportunities, law students perform valuable legal work as they reflect on their experiences and develop an understanding of law practice as public service. Collaboration is essential to the success of the Program; we are particularly grateful for financial support from the Georgia Bar Foundation, and our Public Defender Clinic is supported by a unique partnership among the Georgia Public Defender Standards Council, the Macon Judicial Circuit Public Defender, and the University. This University-wide program also offers opportunities for law students to collaborate with students from other schools and professional programs at Mercer.

In all its activities, the Program builds upon Mercer's already strong emphasis on ethics, professionalism, vocation, and service, and is

ANSWERING THE CALL TO PUBLIC SERVICE

WELCOME TO COURTNEY DICKEY, THE NEWEST LPS STAFF MEMBER!

The Law and Public Service Program is thrilled to welcome Courtney Dickey on board as Law and Public Service Program Coordinator. Two weeks into her tenure, Courtney is off to a great start. Courtney coordinates law student volunteer schedules; tracks time sheets and assignments in the Public Interest Practicum



Program; helps supervise the undergraduate interns who work with the Program; and supports the law school clinical work. The program could not manage without her.

Courtney makes the short trip to the LPS suite from her previous position with the administrative staff right here at the law school, a position Courtney held for the last few years. Any recent visitor will remember Courtney as the person greeting everyone with a big smile as they stepped off of the elevator on the third floor.

Course offerings in the Law and Public Service Program include The Habeas Project, the Public Defender Clinic, Public Interest Practicum, the Capital Defender Clinic and Summer Externship

Public Interest Practicum

This course offers practical work experience in governmental and public interest law offices. Partnerships include the ACLU, Georgia Legal Services, the Georgia Justice Project, the Houston County Public Defender Office, and the Bibb County District Attorney’s Office. In addition to field work, the course includes weekly classroom meetings focused on enhancing and encouraging the students understanding of the law as a worthy calling, as well as addressing any ethical and emotional dilemmas presented by work in public interest law offices. One section of Public Interest Practicum I each spring semester is dedicated to a judicial externship.

Working with the Southern Center for Human Rights

Mercer was fortunate to have the Southern Center for Human Rights (SCHR) hosted an extensive 2 day training for law students interested in death penalty defense work. Over the December holiday, instructors Charlotta, Will, and Steve trained 15 Mercer law student volunteers to assist with death penalty cases SCHR represents. SCHR’s decision to work with law student volunteers highlights the value of the new

LPS program at Mercer: the professional connections the faculty have developed, coupled with the spirit of volunteerism at Mercer Law School, has created blossoming relationships with some of the most prestigious public interest groups around.

Nearly a dozen student volunteers worked through one weekend with SCHR trainers in order to perfect communication skills and capital punishment law expertise. Each of these students now has a personal familiarity with the kind of public interest lawyer Mercer strives to develop.

NOTE OF INTEREST: IN A NEW PUBLICATION, *THE AFFECTIVE ASSISTANCE OF COUNSEL, PRACTICING LAW AS A HEALING PROFESSION*, BY MARJORIE A. SILVER, PROFESSOR TIM FLOYD HAS A CHAPTER ENTITLED, “SPIRITUALITY AND PRACTICING LAW AS A HEALING PROFESSION: THE IMPORTANCE OF LISTENING.”



Mercer Law Students participate in the Susan G. Komen Race for the Cure in October 2006

Professor Sarah Gerwig-Moore and Jared Westbroek, 2L, are to be

congratulated on their victory on behalf of D.C. (a child, whose name cannot be released because of confidentiality considerations). This matter involved a 16 year old boy who, after suffering years of suffering severe abuse and neglect, committed a non-violent delinquent act and pleaded guilty (without a lawyer) and was sentenced to a secure youth detention facility. After serving his entire two-year sentence, he was abandoned by his parents. Because of his history, however, DFCS refused to take custody, and DC was sent to a secure facility in the custody of the Department of Juvenile Justice (the agency that takes custody of delinquent—not deprived—children).

His previous lawyer, who admitted to never having met the child, agreed to a DJJ commitment without looking into DC's case or history or talking to DC about what he wanted.

After the Habeas Project became involved, students met with DC and researched the legality of his placement. The Clinic requested and received court-ordered funds for an expert psychologist to examine DC. That expert, Mercer Medical School professor Alan Williams ultimately explained to the Court and to the parties that DC needed to live the life of a normal teenager, free from stigma and outside of an institution. On January 8, 2007, DC was placed with DFCS and will now have its support and resources including step-downs to group homes and foster care.

Save the Date:

Law Day is Friday, March 9

The theme: Law and Public Service

The speaker: Doug Ammar, Director, Georgia Justice Project



Habeas Project students take a “break” and work on cases at Joshua Cup Coffee downtown.

WHY IT ALL MATTERS: LAURA HARPER AND JAMES ROLLAND

James Rolland just wanted to appeal his conviction. His trial attorney failed to file the necessary paperwork, however, and time had expired. Mr. Rolland, now in prison, talked to the clerk and the court to find out why his appeal had not gone forward. When he realized what happened, he filed a motion to ask the court to let him appeal, even though the time had run out, since it was due to no fault of his own. The court denied his motion.

Mr. Rolland then filed a habeas corpus petition – again asking the court to allow him to file an appeal. He told the court that he had asked his lawyer to file an appeal, and the lawyer had abandoned him. The habeas court denied his petition as well.

Mr. Rolland's last chance was the Georgia Supreme Court. Without any assistance from an attorney, he drafted a handwritten application to appeal, and then an appellate brief. The court decided to hear the case. It was at that point that Mr. Rolland finally received some help – from Mercer's Habeas Project.



At the direction of Prof. Gerwig-Moore, Laura Harper, a third-year student and member of the Mercer Law Review, met with Mr. Rolland and decided to help him. Ms. Harper went to the Georgia Supreme Court to look at the records in the case and later filed an amicus brief, urging the court to grant Mr. Rolland an out of time appeal because the fact that the deadline passed was not Mr. Rolland's fault.

This time Mr. Rolland was in luck. The court reversed the habeas court, and remanded. On remand, the habeas court finally granted Mr. Rolland's out of time appeal and appointed him an attorney. He will finally get his day in court.

STUDENTS' EXPERIENCES SHARED

Amanda Kent

I have actually had the privilege of participating in two different public interest experiences, one through the law school's grant program, and one through a practicum. I accepted the placement at the Georgia Law Center for the Homeless through the law school's public interest grant program for the summer of 2005. Taking the position at the Law Center allowed me to shift from supplying everyday necessities of survival to helping solve some of the problems leading to homelessness. At the same time, we often were able to intervene to prevent homelessness. My second placement, which I did during the fall of 2006, was through HODAC, with a focus on family violence and domestic relations, meaning that I helped individuals with histories of family violence file for divorce and fight through custody issues



Matt Butler



With the new LPS program at Mercer Law, volunteer positions, some that I would never have thought of when I started law school, have become available to students in every grade. Whether one spends their whole life in public interest

law or not, there is no reason not to take advantage of the chance to work with some amazing attorneys doing important work. While others are writing memos in their private firms, I am meeting clients, representing them, and bringing them a degree of attention that would not be possible for a staff attorney. Perhaps most important of all, I have used my connections made at Mercer to find a career in public service that fits me.

STUDENTS' EXPERIENCES SHARED (continued)

Sally Marks

My name is Sally Marks, and I am a 3L currently enrolled in the public interest practicum and interning at the Bibb County DA's office. I like the DA's office and the hands-on policy they take toward students in letting us observe everything in the various courtrooms and in letting us on pretty much everything else they do.



Something else I have really enjoyed about the internship is being able to see how what we're learning in law school really applies in the real world and how the criminal justice system works in practice, not just in theory. I also like being able to work and interact with people such as witnesses we interview, detectives, and other people affected by and involved with the cases with which I've gotten to assist.

The criminal justice system is a good way for law students to get a cursory understanding of the legal process. So far this semester, I've seen arrest intakes, plea hearings, and trials from beginning to end (from jury selection, to presenting evidence, examining witnesses, convictions, sentencing, and probation violation hearings). I also like being able to help the public by giving my time to the system while I'm in school.

Volunteering and LAVA-

Before the inception of the LPS program, LAVA (Legal Aid Volunteer Association), was the organization responsible in large part for organizing and implementing Mercer's volunteer public service sensibilities. These law student volunteers have served clients and the school well. Through the hard work of Jocelyn Powell and others, the LPS program was able to inherit a pool of dedicated public servants.

Summer Public Fellowships:

This year, Mercer Law School will award a \$6000 stipend to each of four law students who spend the summer working in a public service law office. Finalists have been selected to interview with:

- **The Georgia Justice Project** (www.gjp.org), a holistic non profit organization that offers comprehensive support and social services (and employment) in addition to vigorous criminal defense
- **Georgia Appleseed** (www.gaappleseed.org), a Center that brings pro bono service to bear on widespread systemic issues. Projects include a juvenile code rewrite and an effort focusing on justice for people with mental illness.

- **Georgia Advocacy Office** (www.thegao.org), a private non-profit corporation that works with and for oppressed and vulnerable individuals in Georgia who are labeled as disabled or mentally ill.
- **Georgia Innocence Project** (www.ga-innocenceproject.org), a non-profit legal office that finds, secures, and tests DNA evidence in cases where it appears that someone has been falsely imprisoned for a crime of which he is innocent.

The law school also sponsors the **Dan Bradley Fellowship** to support one student who spends the summer working at the local office of the Georgia Legal Services Program.

Each of these five students will be eligible for a small loan repayment grant upon securing public service employment after graduation.

Amanda Gluck Does Great Work for her Client through the Public Defender Clinic

Through the Public Defender Clinic, in November Amanda Gluck represented a client in a 27-count fiduciary theft case. The counts covered transactions on 6 days over 1 and a half months. Some of these transactions were less than seconds apart. To counter the state's presentation, Amanda created a 3-page handout detailing down to the second of the transactions and caught duplications which were nolle prossed. She also created a chart in support of a plea agreement that detailed with the client's strong points.

All of this presentation was quite effective as the judge followed along using Amanda's handout. The result was excellent for her client: she spent the holidays at home with her family.



Amanda Gluck and Tim Floyd work on a brief



Tim Floyd with Clinic students



Kimberly Ader, Lee Robinson, and Tim Floyd at the Courthouse

If you are interested in the Summer Externship Program, start looking NOW for your summer externship.

Interested students should secure their own volunteer placement with a government or public interest office (faculty are on hand to help steer students toward reputable organizations).

District Attorney for Bibb and surrounding counties (www.pacga.org)

Public Defender offices (http://www.gpdsc.org/cpdsystem-office_locations.htm)

ACLU of Georgia (www.acluga.org)

Southern Center for Human Rights (www.schr.org)

Georgia Public Defender Standards Council (www.gpdsc.org)

HODAC Domestic Violence Placement (see us for contact information)

CASA

Georgia Legal Services Program, Inc. (www.glsp.org)

Atlanta Legal Aid (www.atlantalegalaid.org)

Once a placement is secured, students should submit an application for faculty approval and enroll in the course.

GETTING IN TOUCH:

We would love to hear your comments and suggestions on how better to serve the law school and the public interest.

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