



Fellowship Program Focuses on Public Interest Law

BY MARY ALICE ROBBINS

While working as a law clerk in a health law program in Austin, Keegan Warren-Clem helped a young man with a rare medical condition with his appeal of an insurer's denial of coverage for a drug that had been prescribed by his doctor. Although the U.S. Food and Drug Administration had approved the drug, the approval was not for the use intended in the young man's case, Warren-Clem says. She got involved in the case when the man's family contacted the health law program for help because the insurer denied the doctor's appeal. After researching the law, she drafted the man's appeal and filed it with an independent review entity.

"Eventually, we won," she says.

As a result of that experience, Warren-Clem is working to bring a medical-legal partnership to Austin. A May 2012 graduate of the University of Texas School of Law, Warren-Clem has a two-year fellowship that enables her to work on the project at Texas Legal Services Center in Austin. The Texas Access to Justice Foundation sponsors the fellowship, in partnership with Equal Justice Works.

TAJF spokeswoman Kimberly Schmitt says that since 1999, the Austin-based foundation has partnered with EJW of Washington, D.C., the largest postgraduate fellowship program in the nation, to sponsor the EJW fellows in Texas. Schmitt says Warren-Clem is one of four TAJF-sponsored fellows who began projects in September.

David Stern, Equal Justice Works executive director, says the fellowship program is designed to help recent law school graduates find entry-level positions in public interest law. "Every year there are literally hundreds, if not thousands, of law school graduates who would like to do public interest law but can't find jobs," he says.

Stern says the program also provides talented lawyers to cover the "gigantic" justice gap that exists in this country. "It's about seeding the field with really, really great talent," he says.

TAJF's Executive Director Betty Balli Torres says, "We're trying to grow public interest lawyers."

Each year, hundreds of law school graduates apply to EJW, hoping for a chance to work at nonprofit organizations willing to host them if they are awarded fellowships. The program requires each candidate to propose a project to work on for the two-year duration of the fellowship and find a nonprofit organization willing to be his or her host. Stern says sponsors like TAJF review the proposals and select the projects that best meet the program's criteria and the sponsor's goals.

Sponsors do not look at the candidates' grades or which law school they attended, but they look for something that will make an individual successful in public interest law, Stern says. "These are not people who are just applying for a job," he says. "These are people who are passionate about what they do."

Since 1999, EJW and TAJF together have funded 29 fellows. Stern says TAJF has provided about \$2 million for those fellowships, with the money coming from the Interest on Lawyers Trust Accounts. "With interest rates going down, that has made it difficult for organizations like TAJF," he says.

According to Schmitt, TAJF received about a dozen applications for the 2012 fellowships but could fund only four. The cost to fund each fellow for two years is \$112,000. EJW provided \$22,000 of the funding for one of the fellows, while the law firm of Greenberg Traurig and the

Fellowship Program Focuses on Public Interest Law

John M. O'Quinn Foundation anted up \$56,000 each to help fund two others.

Warren-Clem says the heart of her project, the Austin Medical-Legal Partnership — which she refers to as AMPLE — is to provide an on-site lawyer at People's Community Clinic in Austin to handle legal matters that come up. She says the family of the man for whom she had filed the appeal of the insurer's coverage denial "found help by chance" when they contacted the health law program.

"The idea behind AMPLE is to put legal services inside a healthcare provider," Warren-Clem says. "When a legal problem comes up, staff can refer it to the on-site attorney." Similar medical-legal collaborative efforts have been launched in Houston, Dallas, San Antonio, El Paso, and Brownsville, as well as in other parts of the country. As part of her program development, Warren-Clem says she has interviewed social workers at People's Community Clinic and plans to survey more than 100 patients as well as clinic staff to determine what the legal needs might be. She also hopes to finalize a partnership with a second clinic, where she would work as well, and is partnering with Volunteer Legal Services of Central Texas to help provide pro bono services to clinic clients when they are not at a clinic.

Warren-Clem says she long has been involved in community service. "I've always been community centered," she says. "It's who I am."

But Warren-Clem says she also always wanted to be a lawyer, so public interest law is a good fit for her.

Another of the EJW Fellows who began work in September is Christine Nishimura, who also graduated from the UT law school in May. Nishimura, whose host organization is Disability Rights Texas in Austin, says her fellowship project focuses on obtaining accommodations and modifications for minority students in special education, with a special emphasis on improving the students' reading skills. Greenberg is funding half the costs of her fellowship.

Nishimura says that before enrolling in law school, she

spent three years teaching in a Los Angeles charter school where she had quite a few students who qualified for special education. Because she worked in a charter school, she had more liberty to adjust her teaching to meet the needs of her students. She says that little changes in a student's education plan could make a difference in how successful that student will be in school.

Nishimura chose the education project because of her concern about the school-to-prison pipeline. Nishimura says that students who qualify for special education are over-represented in the criminal justice system and the majority of them are far behind in their reading skills. The idea behind her project is to work on helping students become better readers so they stay in school and don't end up in the criminal justice system. Clients come to her through the general in-take phone line at Disability Rights Texas.

As part of her project, Nishimura attends Admission, Review, and Dismissal meetings on behalf of students she represents. "I advocate for the school to add accommodations or services that relate to my client's special needs," she says, noting that she will file a due-process complaint if a school refuses

to make an accommodation or modification for a student. One way that Greenberg Traurig attorneys can be involved in her project, Nishimura says, is to serve as a springboard for ideas and assist in preparing for litigation if she files due process complaints.

Nishimura says she also hopes to provide some general training for teachers on special education and the law. When she was a teacher, she knew little about what the law required of her to meet each student's individual education plan.

EJW Fellow Adriana Rodriguez began working on her project — helping survivors of domestic violence in Laredo and the Webb County area — in September 2011 at Texas RioGrande Legal Aid, her host organization. She is a 2011 graduate of UT law school.

"I went to law school, starting in 2009, because I wanted to be a public interest lawyer," Rodriguez says.

The fellowship program has been successful in encouraging fellows to continue as public interest lawyers. Stern says that 80 percent of the EJW fellows nationwide "continue in public interest work to this day." Balli says that 78 percent of the fellows sponsored by TAJF in Texas remain in public interest law.

At the age of 22, Rodriguez began teaching English and Spanish to ninth-grade students at Reagan High School. Rodriguez was part of Teach for America, a post-graduate program for college graduates, who commit to teach for two years in under-resourced areas.

“A lot of my students witnessed violence at home,” she says.

Rodriguez says she decided that helping mothers would improve outcomes for their children in school. She believes civil legal services can remedy a lot of the problems that lead to domestic violence, but the victims often don’t have access to those services in the border area.

“There’s just not enough of us attorneys here to help everybody who needs help,” Rodriguez says, adding that the goal of her project is to increase the victims’ access to legal representation to assist them with orders for protection or child support before they file for divorce. She’s not just seeking the assistance of local attorneys and says she hopes to pair attorneys in more urban areas of the state to counsel clients via teleconferencing.

There have been some success stories. Rodriguez recalls one domestic violence victim who, during her first interview, was disheveled in her appearance and so nervous that she was unable to make eye contact. The woman, who has five children, was granted an emergency protective order and support and also was able to find a job, Rodriguez says. The woman’s divorce became final Oct. 13.

“There’s a huge shift in her,” Rodriguez says. “She seems like she’s in a better place.”

The fellowship program has been successful in encouraging fellows to continue as public interest lawyers. Stern says that 80 percent of the EJW fellows nationwide “continue in public interest work to this day.” Balli says that 78 percent of the fellows sponsored by TAJF in Texas remain in public interest law.

Dustin Rynders of Houston, a 2006-2008 fellow, is one of those success stories. Rynders is a supervising attorney for the education team of Disability Rights Texas, which served as the host organization for his fellowship.

“My Texas Access to Justice-funded EJW fellowship provided the opportunity for me to develop my dream job — beginning a career of public interest special education advocacy that I have continued to this day,” Rynders says.

As part of his project, Rynders says he represented low-income youths with disabilities in more than 100 Class C school citation cases in which students had been referred

to adult courts, without appointed counsel, for minor school misconduct, such as disruption of class. That involved not only getting charges dismissed, but also advocating for disabled students to ensure they received the education they needed.

“The goal of my representation was to derail the school to prison pipeline and obtain effective services for these students to increase their chances of graduating and transitioning into happy, productive members of society,” Rynders says.

Rynders says that because of the work he did on the fellowship project, he has had an opportunity to advocate for legislative reforms. That includes House Bill 171, which amended the Texas Education Code in September 2009 to require that in all cases involving removal of a student for disciplinary reasons, schools consider certain factors, including a student’s disciplinary history and a disability that substantially impairs the student to appreciate the wrongfulness of his or her conduct. The legislation has in many ways ended “zero tolerance,” he says.

This year for the first time, the Washington, D.C.-based firm of Arnold & Porter has partnered with a client, BP, to sponsor an EJW Fellow in Texas. Marsha Tucker, who oversees the firm’s pro bono committee, says that the Arnold & Porter Foundation and BP split the costs for the two-year fellowship awarded to Kristin Bochicchio, who is working at the Tahirih Justice Center in Houston. The firm and its client are each putting up \$56,000.

Bochicchio is a May graduate of the University of Pennsylvania Law School and the Sciences Po in Paris. She says she worked on dual law degrees at the two schools, receiving her JD from the Pennsylvania law school and the equivalent of the LL.M from the school in Paris.

According to Bochicchio, her project entails providing representation, education, and outreach to African and Middle-Eastern women and girls fleeing gender-based violence. She represents clients in asylum cases and in Violence Against Women Act cases. The VAWA includes provisions that provide a pathway for the battered spouses of U.S. citizens to become legal residents without depending on help from those who are battering them, she says.

“I really admire my clients,” Bochicchio says. “They’ve suffered so much harm in the past, but they’re willing to rebuild their lives. I think it’s inspiring.” **TBJ**

MARY ALICE ROBBINS

is an Austin-based freelance writer.

**SAVE THE
DATE**



**STATE BAR OF TEXAS ANNUAL MEETING
DALLAS, JUNE 20-21, 2013**