

Western State College of Law
Immigration and Deportation Defense Clinic
Fall 2024
Professor Sabrina Rivera

The Clinic is a five-credit one-semester course with a dual mission: to develop law students' potential to be skilled, compassionate, and ethical advocates through experience of providing clients with zealous representation and advocating for immigrant populations vulnerable to deportation. The live-client Clinic allows students to develop practical lawyering skills while making a difference in communities most in need. There are four components to the Clinic, including 1) a seminar, 2) fieldwork, 3) supervision, and 4) case rounds. Each component is discussed in greater detail below.

Course and Learning Goals

The following list contains many of the Clinic's primary learning goals aimed at preparing students to be ethical, competent lawyers through faculty-supervised practice. Depending on the unique facts of each case and the student's motivation, Clinic students can expect to achieve more goals than those listed below. The Clinic is designed so that all students can achieve the following goals:

- **Develop a professional identity.** Develop a professional identity, including a sense of one's strengths, areas of growth, and role as a future member of the legal profession.
- **Skills.** Develop lawyering skills through attorney-client relationships, such as client interviewing and counseling, fact investigation, case theory development, witness interviewing, negotiation, legal analysis, oral and written advocacy, trial advocacy, file management, meeting deadlines, setting agendas, and time management.
- **Problem solving.** Learn how to examine clients' problems, identify options, exercise good judgment, and implement solutions to clients' problems while managing uncertainty.
- **Responsibility.** Learn to accept and assume responsibility for matters of great importance to real clients (e.g., which decisions to make yourself and which to leave to the client, how closely to keep a client informed, what the student should do if the client seems not to be revealing the whole truth; how to advise a client when every possible course of action involves some degree of risk; and how to balance the demands of clients' cases against all the other demands on the student's time).
- **Reflection.** Learn how to evaluate yourself and others, the concept of social justice, and the role of lawyers in the most vulnerable community members gaining access to justice.
- **Increase understanding.** Students will increase their understanding of how the law impacts historically marginalized communities, such as immigrants and refugees, while gaining practical experience in immigration law, particularly deportation defense, humanitarian relief, and other basic forms of immigration relief.
- **Collaboration.** Understand the importance of collaborating with other lawyers and nonlawyers to achieve the client's goals, especially when the law cannot relieve the client's problems.

Weekly Seminar and Case Rounds

The seminar component of the Clinic meets on Wednesdays from 1PM to 3PM. Each class will involve a mix of lectures, exercises, and discussions focusing on the week's reading assignments. The seminar will cover various topics, from immigration law to substantive lawyering skills and

case rounds. Through the seminar, students will learn the substantive law governing the immigration legal system and the challenges their clients face while seeking justice through the legal system. Students will also reflect on the lawyer's role through the seminar's reading, classroom discussion, and reflections. The seminar classes and case rounds allow students to reflect on their fieldwork with other law students.

During the first week of classes, we will have an orientation and "boot camp" training session on campus on Friday, August 23, 2024, from 10 AM to 4 PM. The orientation will provide an overview of immigration law basics and an introduction to the Clinic.

A portion of each seminar will host **case rounds**. Case rounds are informal discussions among the students and faculty supervisors in which students offer updates on their cases, share issues, discuss the brainstorming strategy, and examine legal issues.

Seminar Materials

No textbook is required. Instead, you are required to read, listen, review, and prepare for in-class exercises in advance. In-class assignments will be posted in the Clinic's Lexis Classroom course. Please be sure to register for the Lexis Classroom course and have the materials in print or readily accessible in electronic format in class. You are responsible for regularly checking the Lexis Classroom and your email for any class announcements or updates. You should save and compile the reading assignments in a binder (file folder) or electronically. It is estimated that, on average, the assigned reading and other classroom preparation should require four or more hours outside of class for each class session.

You will receive an email with additional instructions on preparing for each class in advance. Depending on the issues that arise throughout the semester, the seminar's syllabus may be updated to complement the fieldwork.

Attendance, Preparedness, and Seminar Participation

Seminar attendance is mandatory for all Clinic students. Attendance will be taken at each class meeting. Students are allowed two (2) absences during the semester. Students are responsible for ensuring they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the seminar. If you need to miss a class, email Professor Rivera in advance.

Fieldwork and Casework

The fieldwork in the Clinic involves representing individual clients on cases and participating in community advocacy projects. Students will work in teams and represent clients under faculty supervision. Student teams are expected to meet regularly with each other at least weekly to discuss case progress and plans. Students are primarily responsible for all aspects of their caseload, with guidance and mentoring from attorneys and professors. Students will conduct interviews, draft documents, perform fact investigations, do legal research, write and analyze, negotiate, make court and agency appearances, and perform all aspects of case management, including file organization.

Students Hours

Students should expect to work a minimum of 190 hours (minimum) over the course of the semester, which amounts to approximately 13 hours per week on their cases, projects and preparation for the weekly seminar. This does NOT include attendance at the weekly seminar.

Students will be responsible for recording the number of hours spent on casework each week. Timesheets should be updated weekly (if not daily) on Clio, the Clinic's case management system. It is recommended that students track their time as they go, including when working outside the Clinic.

Supervision Meetings and Office Hours

During the first week of class, students will be assigned to work in teams. All student teams are required to meet every week with their faculty supervisor. Before each meeting, student teams are expected to submit (via email) an agenda. Agendas are due by email at least one hour before the meeting. Each student team will be assigned a weekly meeting time during the first week of classes.

Each clinic student will also be meeting individually with their supervising attorney(s) halfway through the term for a mid-semester review. The mid-semester review is designed to check in about the student's goals, casework and advocacy, seminar participation and the lawyering process.

Grading

There is no final exam for this course. This course follows the WSCL's 4.0 scale. Each grading component will be described in greater detail in a handout that will be provided to you during the first week of the Clinic. See more in the student handbook's grading policies.

Grading will be based on three components:

- Seminar participation – 20%
- Casework and Advocacy – 40%
- The lawyering process and clinic methodology – 40%

Casework and advocacy refer generally to the quality of all aspects of the work on the case. This includes client interviewing, client counseling, legal research and analysis, fact investigation, case planning, project work, witness interviewing, problem-solving, preparation of all submissions, meeting submission deadlines, writing, mooting, oral advocacy, and any other advocacy or preparation for advocacy performed on behalf of a client. (40 percent).

The lawyering process and clinic methodology generally refer to *how* the work is completed. This includes well-prepared and appropriate self-reflection regarding all clinic activities; being open to feedback; revising work product based on feedback; working on goals; preparation for, performance in, and follow up from case team meetings; effective collaboration; institutional responsibility; organization, including use of time effectively; recognition and resolution of ethical issues; and any other activities related to professional development and clinic methodology. (40 percent).

The *seminar component* refers to work done in the classroom. This includes reading the assigned materials, written assignments for the seminar, class attendance and punctuality, class participation, contribution to solving issues in others' Clinic work, preparation for and participation in case rounds and writing workshops, encouragement of participation by others; respect for the views of others; oral presentations in classes; and any other activities (other than case team meetings) related to formal instruction. (20 percent).

Laptops and Computers

Using laptops during class to check email, browse the internet, or do work for another class is not permitted. You only need to have your laptop open to refer to discussed materials or take notes. We encourage you to try to limit laptop use during discussion-heavy portions of the class and instead take notes with a pad or notebook and pen.

Professional Responsibilities

The Clinic operates as a law office. This means that specific rules apply to the Clinic's work, its clients, and their cases, including the duty of confidentiality.

The syllabus overviews the classes, reading assignments, and clinic methodology. A separate document, the Clinic Manual, provides additional details and information regarding the clinic's operations.

Contact Information

The Clinic is located in the Administration/Faculty Building. The contact information for the clinic faculty supervisors is below.

Prof. Sabrina Rivera
Office: (714) 459-1157 (call only)
Cell: (562) 477-9361 (text/call)

Prof. Demis Camacho
Office: 323-471-4594 (text/call)

Prof. Jon Breman
Office: (949) 236-7963 (text/call)

Office hours are by appointment only. To schedule a meeting (either in person, zoom or phone), email your faculty supervisor directly.

Syllabus

Please note that the syllabus may be modified and updated. We will announce such changes as quickly as possible through email and Lexis Classroom.

Week	Class Date	Topics	Reading Assignments	Learning Assignments
1	8/21	(1) Introduction to the clinic (2) Goals for the semester (3) Professional responsibilities (4) Case and project docket overview	<p>Clinic Overview and Methodology</p> <ul style="list-style-type: none"> ▪ William P. Quigley, “Letter to a Law Student Interested in Social Justice” ▪ Chavkin, David, <i>Clinical Methodology</i>, Clinical Legal Education: A Textbook for Law School Clinical Programs (pp.3-11) ▪ Clinic Seminar Syllabus and Manual <p>Introduction to Immigration Legal System and Laws</p> <ul style="list-style-type: none"> ▪ How the United States Immigration System Works, American Immigration Council (Sept. 14, 2021) <p>Selected Professional Responsibilities - State</p> <ul style="list-style-type: none"> ▪ State Bar of California, Practical Training of Law Students Rules ▪ Executive Office of Immigration Review, Regulations on Representation of Others, 8 C.F.R. section 1292.1(a)(2) ▪ California Rules of Professional Conduct Rule 1.3 (Diligence), Rule 1.4 (Communication) and Rule 1.6 (Confidentiality) ▪ California Business & Professions Code Section 6068. <p>Selected Professional Responsibilities – Federal</p> <ul style="list-style-type: none"> ▪ Federal Ethics Rules, Professional Conduct for Practitioners—Rules and Procedures, § 1003.101 General provisions and § 1003.102 Grounds 	<ul style="list-style-type: none"> ▪ In-class activity #1 ▪ <i>Optional:</i> Sign up for American Immigration Lawyers Association (AILA) law student membership (free access to immigration legal resources, training, manuals, and more).
1	8/23 Clinic bootcamp and	(1) Introduction to the immigration legal system (2) Immigration legal research (3) Case and project management	<ul style="list-style-type: none"> ▪ Review reading assignments from 8/21. ▪ Benchmark Institute, <i>Case Planning</i>, Legal Services Practice Manual: Skills (pp.252-261). 	<ul style="list-style-type: none"> ▪ Review Case and Project Plan Instructions and sample case plans (available on Lexis Classroom)

	orientation	systems (4) Case and project planning		<ul style="list-style-type: none"> ▪ Complete the collaborative spectrum sheet by 8/28 and be prepared to present results (and your partners in class)
2	8/28	(1) Interviewing and counseling (non)clients (2) Cross-cultural competency (3) Working with vulnerable groups (4) Introduction to case and project rounds		<ul style="list-style-type: none"> ▪ In-class activity #2 ▪ Immigration Court observation reflection due on or before 8/28
3	9/4	(1) Removal proceedings (2) Evidentiary rules and common defenses (3) Rounds		
4	9/11	(1) Fact evaluation and problem identification (2) Working with immigration and criminal history documents (3) Rounds		
5	9/18	(1) Case theory (2) Storytelling (3) Rounds		
6	9/25	(1) Citizenship (2) Migration and borders (3) U.S. asylum laws		
	10/2	(1) Immigration consequences of criminal convictions (2) Common post-conviction		

		relief for noncitizens		
	10/9	(1) Appellate advocacy in immigration proceedings		
	10/16	(1) Writing as an advocate (2) Rounds		
	10/23	(1) Trial skills (2) Professional responsibilities (3) Rounds		
	10/30	(1) Administrative agency problem-solving (2) Advocating with opposing counsel in adversarial proceedings		
	11/6	(1) Law and organizing (2) Abolition (3) Healing justice		
	11/13	(1) Reconceptualizing representation (2) Professional identity (3) Legal services models		
	11/20	(1) Final case and project rounds (2) Case transfer and close-out memos (3) End-of-semester celebration and potluck!		

DISABILITY SERVICES STATEMENT:

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Library Building, Room 275-B. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Marisa Cianciarulo at mcianciarulo@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

Western State College of Law – Programmatic Learning Outcomes

Western State College of Law's curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) Doctrinal Knowledge

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) Practice Skills

Students will demonstrate the development of other law practice skills. Each student's chosen outcomes within this category will be varied based on the student's particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers

and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.