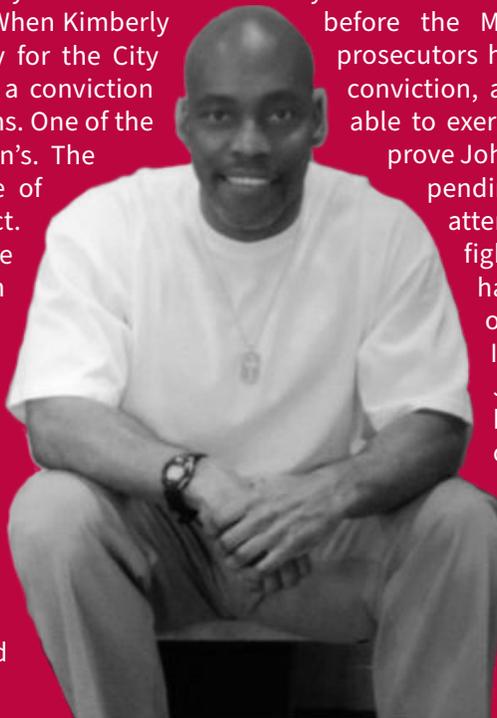


## Appellate Clinic argues before Missouri Supreme Court that prosecutors have the power to remedy wrongful convictions

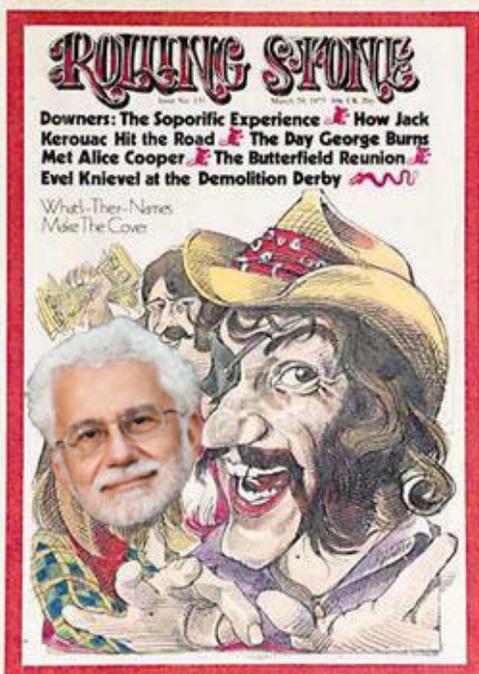
Lamar Johnson was only 20-years-old when he was convicted of murder in 1995. When Kimberly Gardner was elected Circuit Attorney for the City of St. Louis in 2016, she established a conviction integrity unit to review past convictions. One of the first cases she reviewed was Johnson's. The review uncovered shocking evidence of police and prosecutorial misconduct. After a thorough investigation, the Circuit Attorney came to the conclusion that Johnson had been wrongfully convicted and that he was innocent. When the Circuit Attorney sought to present this information to the court, the Attorney General intervened, arguing that prosecutors do not have the authority to remedy wrongful convictions. The trial court agreed, and refused to consider the evidence of Johnson's innocence.

The Appellate Clinic, directed



by **Daniel Harawa**, represented the Circuit Attorney before the Missouri Supreme Court, arguing that prosecutors have an obligation to correct a wrongful conviction, and that the Circuit Attorney should be able to exercise her discretion to seek a hearing to prove Johnson's innocence. While a decision is still pending, the case, which has drawn national attention, will be an important marker in the fight for criminal justice reform, and will have far reaching implications for the role of prosecutor in pursuing reform.

In addition to *State of Missouri v. Lamar Johnson*, the Appellate Clinic is currently handling cases in four federal courts of appeals. On the docket is a case concerning the reach of the First Step Act in the Fourth Circuit, civil rights cases on behalf of incarcerated people in the Fourth, Seventh, and Eighth Circuits, and a habeas case in the Sixth Circuit.



### (almost) “On the Cover of the Rolling Stone”

**Peter Joy**, Director of the Criminal Justice Clinic, was recently quoted in a Rolling Stone article about Lev Parnas, an associate of Rudy Giuliani. The story featured a comment by Joy about legal advice Parnas was given by his lawyers. [Read here: www.rollingstone.com/politics/politics-features/lev-parnas-rudy-trump-giuliani-impeachment-1051683/](http://www.rollingstone.com/politics/politics-features/lev-parnas-rudy-trump-giuliani-impeachment-1051683/)

For non-boomers, see Dr. Hook: <https://youtu.be/KuvflePDbgY>

### Peter Joy's Newest Publications

“Judge’s Misuse of Contempt in Criminal Cases and Limits of Advocacy,” 50 *Loy. U. Chi. L.J.* 907 (2019) at <https://ssrn.com/abstract=3456968>

“Special Counsel Investigations and Legal Ethics: The Role of Secret Taping,” 57 *Duq. L. Rev.* 252 (2019) at <https://ssrn.com/abstract=3402591>

## Immigration Clinic wins ninth asylum grant this year

Students working in the Immigration Law Clinic (ILC) at WashU Law under the direction of **Katie Meyer** successfully represented a family in obtaining asylum in the U.S. The family no longer has to worry about being returned to a country where they fear persecution and torture. They can safely build their lives in the U.S., with the option of becoming U.S. citizens after 5 years. Their case spanned 18 months and four different clinic student teams had the privilege of working with the family on their case. This was the ninth asylum grant in one year for clients of the ILC.

Additionally, a client of the ILC is breathing easier now that her lawful status has been made permanent. This wife of an active duty service member had represented herself pro se in all of her immigration applications. Despite doing everything correctly, her case was denied



due to a mailing error, and she was placed into deportation proceedings. With the Immigration Courts largely closed due to COVID, she was not scheduled to appear in court until mid-2021. Her husband received orders to report in another country, but she could not accompany him while she was facing deportation. The clinic intervened on her behalf and, within a few short weeks, succeeded in getting the agency to reopen her case and approve it. This U.S. military wife is now an unconditional lawful permanent resident and is eligible to naturalize!

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## Low Income Taxpayer Clinic creates listserv for academic clinics

The Low Income Taxpayer Clinic (LITC) directed by **Sarah Narkiewicz** has established a listserv to enable academic LITCs to communicate about issues that are exclusive to academic LITCs. If you are interested in being added to this listserv, please contact Sarah Narkiewicz at [sanarkiewicz@wustl.edu](mailto:sanarkiewicz@wustl.edu).

The LITC has also been busy assisting taxpayers with pandemic-related issues. In addition to handling normal tax controversy issues, it has been active in trying to aid taxpayers with obtaining their Economic Impact Payments provided by the CARES Act. Many taxpayers that were entitled to stimulus payments failed to receive them,

and students have been busy trying to make sure that vulnerable taxpayers are aware of their rights and in receipt of their payments.

In addition, for the first time ever, the LITC partnered with the IRS Office of Chief Counsel SB/SE division in St. Louis to take part in Tax Court Virtual Settlement Days. The LITC was able to assist in the settlement of cases that would have otherwise gone on to trial, as well as to help other taxpayers navigate the system. Students were excited to see the settlement process in action. The LITC also took part in the virtual calendar call for the U.S. Tax Court session in St. Louis to assist pro se taxpayers.

## Recent Faculty Publications

**Daniel Harawa**, Director, Appellate Clinic: “How Much is Too Much? A Test to Protect Against Excessive Fines,” 81 Ohio St. L.J. 65 (2020) at <https://ssrn.com/abstract=3550721>

**Elizabeth Hubertz**, Director, Interdisciplinary Environmental Clinic: “Earth Mothers, Soy Boys, and Cool Dudes: Practicing Law While Protecting the Environment,” 62 Wash. U. J.L. & Pol’y 87 (2020) at [https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=2150&context=law\\_journal\\_law\\_policy](https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=2150&context=law_journal_law_policy)

## Interdisciplinary Environmental Clinic presents Environmental Racism Solution Series

The Interdisciplinary Environmental Clinic's (IEC) Environmental Justice project joined with its clients to present the Environmental Racism Solution Series -- weekly meetings engaging the community on the disparate effects of air pollution, asthma, food deserts, lead exposure, vacancy, illegal dumping, and home energy burdens on

Black St. Louisans. A community summit, bringing together the themes of environmental justice and COVID-19, will follow. According to clinic director **Elizabeth Hubertz**, this is the beginning of long-awaited action on the ground. You can find IEC's 2019 report, Environmental Racism in St. Louis, at the website [www.environmentalracismstl.com](http://www.environmentalracismstl.com).

## First Amendment Clinic forces changes to protect rights of local musicians and protesters



Photo by Phillip Hamer

Musicians are permitted to play music on the sidewalks of the Delmar Loop in University City again following the First Amendment Clinic (FAC)'s filing of a lawsuit and motion for preliminary injunction on behalf of two musicians who were repeatedly prevented from performing by University City police. The Delmar Loop is a cultural hub of lively entertainment and iconic St. Louis restaurants and holds a lot of the city's history. After the clinic filed its complaint and motion, University City amended the unconstitutional obstruction ordinance it had relied upon to prohibit the musicians from performing, instructed its officers that musicians were permitted to perform as long as there was no actual obstruction of pedestrians, and changed its policy of prohibiting musicians from performing unamplified music on private property adjacent to the public sidewalk unless the property owner had obtained a conditional use permit.

The FAC is also co-counseling with the ACLU of Missouri to defend the rights of protesters in Florissant, Missouri. The clinic and ACLU have filed a lawsuit challenging the city's practice of arbitrarily declaring unlawful assemblies and issuing dispersal orders against peaceful protesters, in violation of the First Amendment rights of free speech and assembly. The FAC is directed by **Lisa Hoppenjans**.

## Recent Faculty Publications

**Robert Kuehn**, Associate Dean for Clinical Education: "2019-20 Survey of Applied Legal Education" (co-author) at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3698134](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3698134)

**Karen Tokarz**, Director, Civil Rights and Mediation Clinic: "Addressing the Eviction Crisis and Housing Instability Through Mediation" (co-author), 63 Wash. U. J.L. & Pol'y 243 (2020) at [https://openscholarship.wustl.edu/law\\_journal\\_law\\_policy/vol63/iss1/](https://openscholarship.wustl.edu/law_journal_law_policy/vol63/iss1/)

## Civil Rights Clinic facilitates access to justice during pandemic

Director **Karen Tokarz**'s Civil Rights & Mediation Clinic has been working this semester to develop an Access to Justice Center at the St. Louis County Courthouse to aid parties during the pandemic. The new center has a help desk computer upon entering the courthouse, which parties can use to get assistance from a person on the other end. There is also an information table with court documents and persons in the adjacent clerk's

office for help. The idea for the Center emerged, in part, to enhance the clinic's provision of Zoom mediations in the pro se housing eviction courts, which students and volunteer lawyers have provided since the court shut down in the spring. In the first six weeks of the center, 500 parties used its services on orders of protection, civil and criminal, small claims, and landlord-tenant cases, plus six weddings!

## Clinic students partner with local incubators to increase legal access for entrepreneurs

During fall semester, members of the Entrepreneurship and Intellectual Property Clinic (EIP) are working with four incubators around Metropolitan St. Louis to increase access to legal knowledge for entrepreneurs and inventors.

Applying equity-centered design principles, teams of EIP students are building interactive, multimedia modules to help entrepreneurs navigate legal issues surrounding entity formation, equity structure, intellectual property protection, and confidentiality, among others. Each project is tailored to the specific entrepreneurs at each incubator, with an overarching goal of empowering St.

Louis ventures to use legal tools and services to meet their business goals.

While the EIP is working with community partners across the region, the clinic is also delighted to be working with Skandalaris Startup Services, a new program within the Skandalaris Center for Interdisciplinary Innovation and Entrepreneurship, to develop a module targeted to WashU entrepreneurs. By helping support innovation on campus, EIP students are excited to participate in the university's mission to be in and for St. Louis. The EIP is directed by Entrepreneurship Clinic Director **Jonathan Smith** and Intellectual Property Clinic Director **Salvatore Gianino**.

## *Practice. Reflect. Grow.*

Building on more than four decades of clinical education, WashULaw's Clinical Education Program is considered among the best in the country. It is continuously innovating to meet both the professional practice needs of today's students and the community's needs for legal services. Launched in 1973, the program has grown to offer 18 distinct professional practice opportunities across the country and internationally.

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