



# DUQUESNE UNIVERSITY SCHOOL OF LAW TRIBONE CENTER FOR CLINICAL LEGAL EDUCATION

SPRING 2020

Message from Clinical Faculty:

While we generally do not reserve space in our Newsletter for messages from the Clinic Faculty, given the current COVID-19 pandemic we want to share our observations of the impact of the work our students are doing and the service that the Clinic provides.

During this time the students have had a unique learning experience. Our students at Duquesne have always understood the importance of legal work, the impact legal issues have on the community and the power they, as future lawyers, have to help those in need. COVID-19 has forced our students to adapt and learn new skills during these uncertain times. They have worked hard learning how to learn online, assuring the continuity of care for their clients, all while navigating the safety and health of themselves and their loved ones.

We would like to highlight the impressive work that our students and faculty have done over the past month adapting to this new reality and the powerful impact that they have had.

As the local courts have closed their physical buildings and limited access to the critical services that they provide, those without the means to hire an attorney have struggled with understanding the new complicated process of legal matters. Throughout the newsletter you will see some of the ways that students are making an impact.

### **Family Law Clinic:**

The Family Law Clinic agreed to have their phone number listed on the Court Website for Allegheny County offering legal advice and drafting of necessary pleadings for child custody emergencies, issues relating to protection from abuse actions and questions relating to family support. Every day multiple individuals call regarding these matters, especially given the difficulty of co-parenting and arranging physical custody exchanges while keeping social distancing requirements. Clinic students assist in guiding these individuals through these tough issues.

### **CIVIL RIGHTS CLINIC**

The Civil Rights Clinic continues to do intake for those seeking expungements. Given what is currently occurring with employment for non-essential businesses in PA, the clinic anticipates that there will be a significant need for expungements so that individuals let go during these times can seek new employment without being hindered by a criminal record eligible for expungement.

Thank you!

Kate, Tiffany & Grace

## Law Students Help PA Innocence Project Exonerate Local Man

After losing almost 14 years for a crime he did not commit, a Pittsburgh-area man is free, thanks to the hard work and diligence of the [Pennsylvania Innocence Project](#) and 15 Duquesne University law students.



Elizabeth DeLosa, managing attorney of the Pittsburgh office of the Pennsylvania Innocence Project.

Daniel Carnevale, who was released March 18 from the Allegheny County Jail, spent the majority of his incarceration at Albion State Correctional Institution in Erie County, Pa. In 2007, he was convicted and sentenced to three consecutive life sentences for a Bloomfield apartment building fire that killed three people in 1993. He has always maintained his innocence.

Carnevale's release marks the 18<sup>th</sup> exoneration by the Pennsylvania Innocence Project, which is housed at Duquesne University.

"Thanks to the generosity of so many individuals and the sheer force of will of Mr. Carnevale himself, he is home with his family and beginning the process of re-building," said attorney Elizabeth DeLosa, a 2010 law alumna who manages the Project's Pittsburgh office and represents Carnevale.

"This case is somewhat unique, I think, in that it was actually worked on by two of Duquesne law school's clinical programs—the Federal Litigation Clinic and the Pennsylvania Innocence Project," DeLosa added.

Carnevale wrote to the Pennsylvania Innocence Project for help in 2009, but his case hadn't yet reached complete review when attorney Adrian Roe was appointed in 2015 to represent Carnevale before the Third Circuit Court of Appeals.

In 2016, Roe, a supervising attorney for Duquesne's Federal Litigation Clinic, told DeLosa that Carnevale was denied relief. At that time, the Project sought assistance in the case from Douglas Carpenter, a nationally recognized expert in fire science and arson investigations.

"We asked if he'd be willing to review the facts of Mr. Carnevale's case," DeLosa said. "Mr. Carpenter spent countless hours—all pro bono—conducting an in-depth review of the 1993 cause and origin investigation, ultimately concluding ... that this fire was most likely accidental and not the result of arson. In other words, no crime occurred here."

Lawyers and paralegals from Duane Morris, PNC and Potomac Law Group partnered with the Project, giving countless pro-bono hours, to draft a post-conviction relief act petition and eventually litigate on behalf of Carnevale.

"Our partnership with Duquesne School of Law is the life blood of our organization," DeLosa said. "We simply could not do this work without Duquesne's help."

The following Duquesne law students—some current and some now graduated—each assisted with Carnevale's case "whenever asked, without hesitation or question," according to DeLosa: Susannah Glick,

Kelsey Ayers, Jennifer Vogel, Kristi Heidel, Alanna Haefner, Andrew Urko, Amy McCrossen, Benjamin Kahn, Ohara Hamlin, Kylie Johnson, Annette Dohanics, Krista DiPaolo, Tristan Luengen, Ryan Sweeney and William Tyler Fagan.

## **STUDENT SPOTLIGHT**



**Mariah Mundy, 3L**, served as the pro bono student manager for the Duquesne School of Law Tribone Center during the 2019-2020 academic school year. While holding the student manager position, Mariah organized pro bono clinics, motivated students to complete pro bono hours, and spoke at continuing legal education courses. In the future, Mariah plans to continue maximizing the impact of pro bono work in the Pittsburgh community and, eventually, establish her own pro bono clinic. “There are so many low-income

litigants who are overwhelmed by the legal system,” stated Mariah, “and I think we—as members of the legal community—should do our part for the less fortunate.”

### **Juvenile Defender Clinic:**

The Juvenile Defender Clinic is open and continues to receive new cases because, sadly, arrests have not stopped during this time. Students have reached out and conducted intake with new clients via phone and participated in telephonic court hearings as well. Students have worked diligently to help clients who have experienced legal crises during this time, and have been selfless in making themselves available to nervous youth and parents unsure of what will happen next in their cases. Finally, students have clients updated about ever-changing court dates and how emergency operating procedures affect their access to the court.

### **Wills and Healthcare Decisions Clinic:**

The Wills and Healthcare Decisions Clinic is facilitating a joint project between the Allegheny County Bar Association (ACBA) and Allegheny County Medical Society (ACMS) to update their free advance healthcare directive document. This valuable resource will be made available to the public during this time of need. The Wills and Healthcare Decisions Clinic continues to counsel clients, and draft documents for those in need of wills and advance healthcare directives – documents which are particularly important at this time. Wills clinic students and the student manager are tracking legislative updates expanding the use of remote notarization of estate planning documents, in the hope of providing this service to the community.

### **Veteran's Clinic:**

The Veterans Clinic continues to be an available resource to justice involved veterans making sure they know of the available resources. Picture: Professor Dan Kunz was presenting at the 2019 Veterans Court graduation and Father Bill Christy in the background. There were 24 participants who graduated and many of the Veterans Law Clinic students and alumni in attendance.



### **Education Law Clinic:**

With a complete change of the educational landscape happening for our K-12 clients, our students have been integral in not only counseling clients about what might happen next, but ensuring that school districts continue to meet their obligations to children with disabilities who are now being educated at home. Additionally, ELC is developing online written and video resources that will be made available to general public, and help families to navigate the current educational landscape.

While the Federal Litigation Clinic settled their court appointed case, they still have been discussing the important issues that individuals face during these times. Also, the Innocence Project, Public Defender's Program & Criminal Prosecution Program continue to work on important cases remotely.

The Clinic Faculty would like to thank our clinic and externship student managers who have been working hard all year to help the clinic run smoothly. Shout out to: Sarah Linder, Kaelyn Jacques, Karen Studeny, Paige Thomas, Jordan Winslow, Mariah Mandy, Mary Beth Kuznik, Joe Berkebile, Kyle Braun & Michael Sylvester.

### **Unemployment Compensation Clinic:**

Students continue to handle hearings before referees which have an added layer of difficulty as all hearings are being conducted telephonically. Students are also participating in a project sponsored by Philadelphia legal aid and Penn Law School that submits applications for unemployment compensation benefits to the PA DOL through a hotline. This was designed to address the vast group of persons that have not been able to submit applications for benefits because the phone lines are jammed and their access to public computers (the means they normally utilized) has been shut down since the libraries and other access points such as the Career links are all shut down. The students take shifts throughout the week on a hotline where they receive calls and actually complete and submit the applications for unemployment insurance through a dashboard setup that links directly with the DOL.