Law Students
AND
Lawmakers
Pacific McGeorge students aren’t just learning the law—they’re helping make it. Four new laws, to be precise.

by Stephen Robitaille and Katie E. Ismael

For the students in a successful new legislative clinic, their experience went beyond a class project—it led them directly to the influential California Capitol and to lawmakers who rallied behind their efforts.

Because of bills developed by McGeorge students that have been signed by Gov. Jerry Brown, Californians now have these new rights and protections:

**New State Laws**

1. “Revenge porn” victims can get offensive material taken off the Internet using a pseudonym
2. State-licensed care facilities such as child care centers must consider job applicants’ arrest records in hiring decisions
3. Prisoners can seek a new trial if the scientific evidence that convicted them is later discredited
4. Police will get training to recognize signs of elder abuse
Class Is In Session

The students were part of a new Legislative and Public Policy Clinic at McGeorge—the only program of its kind in California.

It began when McGeorge Adjunct Professor Rex Frazier ’00 and students in his Legislative Decision-Making, Power and Influence in California class were kicking around how to put their newfound knowledge to use in the hurly-burly of policy making and politics in Sacramento.

Their brainstorm: a clinic where students would actually do the work to create bills in the state Legislature. They would write the bills, seek sponsors and supporters, shepherd legislation through committees, and try to get them passed into law.

The upshot: In the inaugural yearlong Legislative and Public Policy Clinic, five bills developed by 12 McGeorge students cleared the Legislature. Four of them made it to the desk of Gov. Jerry Brown—and by the end of September, he had signed all four of the student bills into law.

Their quick set of victories has thrilled the students who earned them, amazed the professor who coached them—himself a lobbying heavyweight—and impressed people in Sacramento who do lobbying for a living.

“Four for five is a better record than some lobbyists,” says Chris Micheli ’92, a board member of the Institute of Governmental Advocates, which represents lobbyists and lobbying firms in California’s capital. “It’s a tremendous amount of work to get as far as they have. It’s fantastic.”

Frazier, who is president of the Personal Insurance Federation of California and a perennial member of Capitol Weekly’s top 50 list of the most influential individuals in California politics, says his clinic’s quick success is both a surprise and a delight. The clinic tapped both his expertise as well as McGeorge’s unparalleled Sacramento network among policy makers, lobbyists and state agencies.

“The students and I laugh about it a bit, because it was a surprise to do so well this first time. But as Margaret Mead once said, small groups of committed people are the only ones who ever change the world, and this is a testament to that,” said Frazier.

Lobbying for the Greater Good

Developing the measures required extensive research into existing law and discussions with advocacy groups. Next came crafting language and finding a legislator to introduce the laws.

And then the real work started. Lobbying the measures meant drafting the language of the bill and amendments, writing backgrounders or “fact sheets” for legislative staff, gathering support from sympathetic groups, testifying in policy committees, meeting with members of key committees or their staff, and myriad other tasks entailed in turning an idea into a law.

Said Marisa Shea ’14, one of the students who developed the “revenge porn” bill, AB 2643, “This process showed me that our generation can have an impact on something that is important to all of us. It speaks to the whole idea that we can do something that materially addresses problems in our society.”
THEIR RESULTS:

### AB 2643

**Getting “revenge porn” off the Internet without going public:**

Developed by Marisa Shea '14 and Christopher Wu '14, their bill will give victims of revenge porn the right to use a pseudonym when they file to have offensive material removed from the Internet. Assemblyman Bob Wieckowski of Fremont sponsored it with support from domestic violence groups.

“I wanted to work on something relevant to my generation, something that would actually impact the lives of my peers,” said Wu. “‘Sexting’ is so prevalent among people in their 20s—and unfortunately, everyone knows someone who has been taken advantage of and hurt, and that’s something you wish you could do something about.”

Revenge porn refers to the posting online, or distributing through social media, text messaging or email, of intimate photos or videos without the subject’s approval. It has gained popularity as a tool of revenge by ex-partners, and of humiliation and control for abusive partners.

AB 2643 would allow revenge porn victims to sue their cyber-attackers in civil proceedings, get the offending images removed and potentially collect damages from the perpetrators. Most importantly, victims would be able to remain anonymous, listing themselves as Jane Doe, for example—a huge plus for victims who do not want their private horrors to become public, or to have to reveal themselves in public criminal proceedings.

Shea first learned of revenge porn while she was an intern at the California Partnership to End Domestic Violence. The issue stuck with her, and the duo would eventually work together on the bill.

“I think that being a victims’ advocate, I always wanted to do something in law school to give back to my community,” said Shea. “AB 2643 speaks to the whole idea that we can do something that impacts our community and addresses problems in our society.”

### SB 1058

**Ability to appeal a conviction based on “junk” science:**

Sosan Madanat ’14 helped lobby the bill that addressed a gap in California criminal law, which prohibited legal challenges to convictions that hinged on faulty expert witness testimony. Sen. Mark Leno of San Francisco carried the bill with sponsorship from the Northern California Innocence Project and the California Innocence Project.

SB 1058 will give wrongfully imprisoned men and women the ability to petition for a new trial if the expert testimony used to convict them is later recanted or becomes undermined by scientific research or technological advances. In 2012, a divided California Supreme Court issued a ruling that prohibited this.

Clinic members researched the issue, developed model legislation, garnered Sen. Leno’s support for authoring the bill and helped educate legislators on the bill, securing its passage and the Governor’s signature.

A defining moment for Madanat came in a legislative hearing on the bill, which featured testimony by Kenneth Marsh, a former San Diego resident who was wrongfully convicted of murder and spent 21 years in prison because of faulty testimony by a county coroner.

Marsh was released from prison in 2004, eight years before a California Supreme Court decision banned challenges such as his. Marsh testified that if he had not been able to challenge the testimony, he would still be in prison for a crime he did not commit.

“It was incredibly moving—he was so passionate,” said Madanat. “He came to help other people. It’s really, really exciting to be able to do something about this. There are people out there who have been convicted of crimes they didn’t commit and who now have a chance to be cleared as a result of our work.”

“It is rewarding to have our students not only studying the law on the books in the nation’s most important state capital, but also helping to put those laws on the books,” said Francis J. Mootz III, dean and professor of law at Pacific McGeorge School of Law.
Police trained in recognizing signs of elder abuse: AB 2623

Jacob Smith ’14 and Vincent Wiraatmadja ’14 were the student lobbyists in this effort that will train peace officers to spot signs of elder abuse. Assemblyman Richard Pan of Sacramento introduced the measure.

They picked that fight on behalf of a woman Smith met while working in McGeorge’s Elder Law Clinic.

The woman, a full-time caregiver for her disabled husband, took in her methamphetamine-addicted grandson in early 2013 because he had no place to live. The grandson soon began terrorizing the couple, engaging in violent outbursts and threatening them with harm. Between January and July 2013, the woman placed 30 calls to 911, but Sacramento County sheriff’s deputies said they were unable to arrest the grandson because they had not seen a crime being committed.

Finally, on the 31st visit, a deputy suggested that the woman get an elder abuse move-out order against the grandson. She contacted the McGeorge Elder & Health Law Clinic that day. Three days later, the deputies returned—this time armed with the order—and removed the grandson from the house.

“Vincent and I began brainstorming about how to prevent this situation from occurring in the future,” said Smith. “We realized that if the deputies were armed with information about civil remedies, such as elder abuse move-out orders, they could have given this information to the client on the first visit to her home, not the 31st.”

AB 2623 adds elder law training to statewide Police Officer Standard Training (POST) programs that are required of all officer candidates in California.

Greater scrutiny of child care center job applicants: AB 2632

Lexi Howard ’15, Kristina Brown ’14 and Aaron Brieno ’14 lobbied the bill that would prohibit the Department of Social Services from ignoring a job applicant’s arrest record in making hiring decisions for workers in state-licensed care facilities. Assemblyman Brian Maienschein of San Diego carried it with the bill’s sponsor, the Children’s Advocacy Institute.

Their clinic project was spurred by a series of stories on KCRA 3 that showed people arrested for arson, child abuse and rape had been cleared by the state to work in child care and eldercare centers and group foster homes.

“This bill says, quite clearly, that arrest records must be investigated. We think that’s obvious—and a good thing,” said Howard.

To put their bill together, “There was a lot of digging, a lot of background work. It was not glamorous,” she said. During the process, it grew from eight to 76 pages.

“It really does take a village to pass a bill. This has been a tremendous experience to meet and work with people in ‘the building’ (the Capitol) in a collaborative effort,” she said.

The bill was opposed by the American Civil Liberties Union, which argued the bill would slow down and possibly prohibit those with convictions from getting jobs.

“We think that protecting kids, protecting the elderly, protecting people in critical care institutions maybe is just a little more important than getting someone through the system of employment quickly,” said Howard. “Let’s do it right.”
Professor Frazier launched the new Legislative and Public Policy Clinic as a way to put students in real-world situations in the Capitol—lobbying, networking and getting to know potential future employers. Frazier also coached students in creating plans to build support and media coverage, anticipating the opposition and identifying sympathetic legislators.

The McGeorge culture aided clinic students in other, unanticipated ways. Wu and Shea, for example, got a boost on their revenge porn bill from an expert on revenge porn, Professor Mary Anne Franks of the University of Miami Law School, who had attended a symposium at McGeorge earlier this year. She had breakfast with the two students, giving them suggestions on strategy and bill language. Franks would later ask to use the bill’s language as a template for other states seeking to implement similar legislation.

Frazier also makes liberal use of his Sacramento connections to aid his students. And he brings other McGeorge faculty to clinic sessions, such as Drew R. Liebert, chief counsel to the Assembly Judiciary Committee, and Anthony Williams ’05, who was also policy director and special counsel to State Senate President Pro Tem Darrell Steinberg, D-Sacramento.

Frazier’s impact could remain with students for years to come.

“He cares about his students both inside and outside the classroom,” said Madanat. “He has always been vocal about his desire to help students in any way that he can, whether in the clinic or generally in their job search. I think many students in years to come will benefit greatly from his mentorship.”

Shea said the ride has been exciting, if sometimes nerve-racking.

“We were really fortunate, because McGeorge is so connected to the Capitol,” she said. “And the students in the Legislative Clinic have really worked together and supported and helped each other. It’s been an amazing experience.”

Now she and her fellow clinic classmates will be leaving law school having made California law.

“For this to have been part of my law school experience is really meaningful,” said Howard.