

CIVIL LITIGATION CLINIC

Apply online at: www.law.georgetown.edu/go/clinic-registration

Faculty	Professor David C. Vladeck and Fellow Stevie Glaberson
What do students do	Students litigate meaningful public interest cases in state and federal courts, including, in some cases, pursuing appeals
Semester or year-long	One semester, Fall or Spring
Open to	Second semester 2Ls, 3Ls, and 4Es (at least 40 credits)
Prerequisite(s)	All first-year courses.
Credits	6
Requires Student Bar Certification	Unlikely, depends on the cases. Please see clinic director for details.
How many students	6 students/semester
Conflicts	Handled on a case-by-case basis. Possible conflicts for students with part-time or full-time jobs with the federal government, but none should prevent participation in the clinic.
Average time commitment	21 hours/week (on average). Work may continue through breaks.
Seminar hours	
Orientation	First day of clinic
Information session(s)	None

Overview

The Civil Litigation Clinic, founded during the 2017-2018 academic year, focuses on civil litigation, principally in federal district court. The Clinic aims to teach students basic litigation skills including, among others, interviewing clients, drafting complaints, conducting discovery, taking and defending depositions, drafting motions for summary judgment, and, on occasion, taking appeals. The clinic does not focus on a single area of law. Instead, it takes on meaningful public interest cases that are especially good teaching vehicles, including open government cases, cases involving administrative agencies, and consumer protection cases. The clinic's clients are public interest, civil rights, environmental and other non-profit organizations, as well as individuals in need of legal services.

Students joining the clinic will be expected to work for at least 21 hours/week, including attending the two-hour weekly seminar. Students are also expected to participate in weekly rounds sessions, supervision team meetings for their case teams, and bi-weekly individual meetings with the faculty director and fellow. Students will be engaged in substantial legal and factual research, drafting pleadings, motions, and substantial briefs, meeting with clients and opposing counsel, and attending court proceedings.

CASE WORK

The lion's share of the clinic's work is on the clinic's cases. We expect that students will spend about 20 hours a week on clinic work, apart from the seminars. Each clinic student is assigned a team (of two students) to work on a case, supervised by the clinic director or fellow. That team is responsible for moving that case forward. Make no mistake, students bear front-line responsibility for the case. That's the point of the clinic. But we're here to help and to ensure that students don't stray far off-course. Each team reports to its supervisor during in-person case team meetings at least once per week on the progress the team is making. During these meetings, students receive extensive feedback on their work. At times, some students may be assigned to two case teams, depending on how active the cases are.

SEMINAR

As part of the Clinic, students participate in a once-weekly, two-hour long seminar that focuses on the more technical issues that dominate civil litigation. The seminar covers, among other things, drafting pleadings, developing theories of the case, the mechanics of filing complaints, other pleadings, and motions, the art of interviewing prospective clients, discovery, drafting summary judgment motions, and arguing matters before district courts.

In addition to case team meetings and seminar, students participate in a weekly "rounds" session, scheduled after the start of the semester. These meetings are an opportunity for case teams to share their experiences with the larger group and to brainstorm and get advice from the class on thorny issues. At times, we also use these meetings to continue discussions begun during the seminar.

Students also meet once every two weeks individually with the clinic director and fellow, to review the student's progress and respond to any questions that the student might have. These meetings are also scheduled after the start of the semester in order to accommodate students' other commitments and classes.

CLINIC INSTRUCTORS

David C. Vladeck, Director

Professor Vladeck teaches civil procedure, federal courts, a practicum on privacy and technology (taught jointly with MIT), and directs the Civil Litigation Clinic. He also serves as Faculty Director of the Law Center's Center on Privacy and Technology.

From 2002 to 2009, Professor Vladeck served as Director of the Civil Rights section of Georgetown Law's Institute for Public Representation, a student clinic that handles complex trial court and appellate litigation focused on civil rights and other public-interest litigation, while also teaching civil procedure and federal courts. From 2009 to 2013, Professor Vladeck took leave from Georgetown to serve as the Director of the Federal Trade Commission's Bureau of Consumer Protection.

At the FTC, he supervised the Bureau's 450 lawyers, investigators, paralegals and support staff in carrying out the Bureau's work to protect consumers from unfair, deceptive or fraudulent practices. Before joining the Law Center faculty full-time in 2002, Professor Vladeck spent over 25 years with Public Citizen Litigation Group, a national public interest law firm, serving the last ten years as the Group's director. He has briefed and argued a number of cases before the U.S. Supreme Court and more than sixty cases before federal courts of appeal and state courts of last resort.

He is a Senior Fellow of the Administrative Conference of the United States, a member of the National Academy of Sciences' Committee on Law, Science and Technology, and an elected member of the American Law Institute. He also serves on the boards of the Natural Resources Defense Council, the National Consumers Law Center and the Center for Democracy and Technology. Professor Vladeck frequently testifies before Congress and writes on administrative law, First Amendment, consumer protection, privacy, and access to justice issues.

OUR CASES

In our first year in operation, the Civil Litigation Clinic has represented a variety of clients ranging from legislators to non-profit organizations to individuals in need of legal assistance. Below is a sample of our case load:

Representative Elijah E. Cummings and Sixteen Additional Members of the House Oversight and Government Affairs Committee (Seven Member Rule Case)

The Clinic represents seventeen members of the House Oversight and Government Affairs Committee, including its ranking member Elijah E. Cummings, in an action against the General Services Administration ("GSA") seeking information relating to the agency's implementation of GSA's lease of the Old Post Office in Washington, D.C., to a company controlled by President Donald Trump.

In August 2013, the GSA entered into a lease agreement with the Trump Old Post Office LLC, a company owned by Donald Trump and his children, permitting the company to convert the Old Post Office on Pennsylvania Avenue, NW, just two blocks from the White House, into the Trump International Hotel. To avoid conflicts of interest, the lease specifies that "No member of Congress, or elected official of the Government of the United States . . . shall be admitted to any share or part of this Lease, or to any benefit that may arise therefrom."

Prior to Trump's inauguration, the GSA informed the incoming President that he would have to divest his interest in the hotel. Trump refused to do so, and post-inauguration, GSA switched its position, giving Trump a green light to retain his interest in the hotel.

The House Oversight Committee is responsible for oversight of GSA, and the plaintiffs in the case – the Democrats on the Committee – demanded that GSA provide them with information on GSA's justification for its about face on whether Trump's ownership interest violates the lease, the extent to which the White House influenced that decision, and the extent to which the hotel is profiting from foreign governments.

The case is based on a statute called the Seven Member Rule, 5 U.S.C. § 2954, which authorizes any seven members of the House Oversight Committee, and any five members of the corresponding oversight committee in the Senate, to obtain any records from any Executive agency. The complaint was filed in early November, and briefing on the plaintiffs' motion for summary judgment, and the defendant's inevitable motion to dismiss, will take place in the beginning of 2018.

Natural Resources Defense Council (NRDC)

The Clinic represents the NRDC in a Freedom of Information Act (FOIA) case seeking information about how one of President Trump's political appointees may be acting to impermissibly weaken chemical safety rules.

In April 2017, President Donald Trump appointed Dr. Nancy Beck to lead the EPA's chemical safety office. Dr. Beck is an industry insider and served for years as a senior director at the American Chemistry Council, the chemical industry's lobbying arm. Fearing that Dr. Beck was unlawfully and unethically using her position to weaken vital chemical safety rules, the NRDC submitted a FOIA request seeking information about Dr. Beck's involvement in these rulemakings.

When the EPA failed to respond to NRDC's request, NRDC filed suit in federal court and enlisted the help of the clinic in litigating the case. The clinic represents the NRDC in all aspects of the litigation. The clinic succeeded in negotiating a settlement of EPA's claims that NRDC's request was impermissibly vague, and in November 2017 reached an agreement with EPA on a schedule for production of thousands of records responsive to NRDC's request. We anticipate summary judgment motion practice once the agency's search and productions are complete.

Center on Privacy & Technology

The Clinic represents Georgetown's Center on Privacy & Technology in a case seeking the release of information about the New York City Police Department's pervasive use of facial recognition technology.

As part of a year-long project culminating in the publishing of its groundbreaking report, the Perpetual Lineup (available at <https://www.perpetuallineup.org/>), Georgetown's Center on Privacy & Technology submitted freedom of information requests to more than 100 law enforcement agencies across the country seeking information about the agencies' use of facial recognition technology. The Center submitted one such request to the New York City Police Department, which was denied. The Center filed suit in New York Supreme Court, and the case is currently pending before Justice Shlomo S. Hagler. Clinic Staff Attorney Stevie Glaberson argued the case before Justice Hagler in November 2017, after which the NYPD was ordered to renew its search for responsive records. In December 2017, the Clinic filed a motion seeking an order holding the NYPD in contempt for failing to comply with Justice Hagler's order to conduct that renewed search within thirty days. In January 2018, the NYPD partially backed down, agreeing to release approximately 530 pages of records. The litigation remains ongoing.

Wage Cases

The Clinic also represents a number of individuals seeking unpaid wages for work performed in the D.C. and Maryland area. In their work on these cases, students meet with their clients to interview and counsel them, strategize about case theories and direction, and draft pleadings, memos, and other litigation documents.

APPLICATION PROCESS

The Civil Litigation Clinic has slots for 6 students for Fall 2019 and for another 6 students for Spring 2020. In addition to submitting the general clinic application online by 12:00pm (noon) on Monday, April 08, 2019, you must submit a writing sample to the clinic's office manager, Niko Perazich, at Niko.Perazich@law.georgetown.edu on or before the April 08 deadline. The writing sample should be your work, not significantly edited by others. It may be any length. Please do not submit an excerpt.

MORE INFORMATION

For more information or if you have any questions, don't hesitate to contact the clinic director, David Vladeck, at vladeckd@georgetown.edu or the clinic's fellow, Stevie Glaberson, at Stephanie.Glaberson@georgetown.edu. They are happy to discuss the clinic with you.

Because the clinic is new, it has just a handful of current and former students for prospective participants to contact. If you wish to contact any of the clinic's current or former students, please contact the clinic's fellow, Stevie Glaberson, at Stephanie.Glaberson@georgetown.edu.