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Appellate Litigation Clinic Reaches New Heights

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The ten students who recently completed their semesters in the Appellate Litigation Clinic have taken us to new heights. Between Aug. and Dec. 2022, this team of stalwart advocates took on seven new appeals—six criminal and one civil—in four different Ohio appellate courts across the state and in the federal Sixth Circuit.

The sheer volume of the output is remarkable; never before has the Appellate Litigation Clinic filed so many opening briefs in a single semester. And never before have we encountered trial-court records consisting of literally thousands of pages.

But their achievements transcend the volume. The students' work was outstanding, as they grappled with challenging issues, like ineffective assistance of trial counsel, habeas corpus, and federal sentencing guidelines. They challenged systemic trial-court infirmities, including improper plea colloquies leading to convictions of two of our clients. And they argued that an afterschool daycare center should not escape liability for a sexual assault perpetrated on a child by another child in an unsupervised locker room.

"Working in the Appellate Litigation Clinic has been the most rewarding experience of my law-school career," explained student Matt Borcas. "Over a few short months, I worked with my classmates to file three major briefs in Ohio's appellate courts. We interviewed clients, scoured trial-court records, and formulated a wide range of arguments on complex criminal and civil issues."

The students filed the last of the opening briefs on Dec. 12 (in the midst of studying for final exams). Three days later, the Supreme Court of Ohio overturned two lower-court decisions that denied our Client the right to withdraw a guilty plea when he learned information previously withheld from him.

Time to sit back and enjoy the holidays? Not exactly! Right after Christmas, the State of Ohio sought reconsideration of the Supreme Court's decision, and we opposed that motion in less than 24 hours—permitting the court to deny the motion before the composition of the court changed on January 1. Six students assessed the opposing briefs and filed reply briefs on behalf of four clients; three of those cases are set for oral argument in Jan. and Feb. Said Borcas: "I can't wait to get back to work in the Clinic and start preparing for the oral arguments."

So the work continues! We hope to have decisions in these cases before the end of the spring semester. And, with any luck, we will maintain our unbroken streak of victories in the Ohio appellate courts since March 2021.



Bottom row (l-r): Professor Andrew Pollis Francesca Bergeret, Rebecca Singer-Miller, Veronika Bondarenko Center row (l-r): Andrew Thompson, Maryam Assar, Victoria Neikam, Matt Borcas Back row (l-r): Ashley Mueller, Tristan Cavanaugh, Richard McGraw



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