

LINDA F. SMITH

S. J. Quinney College of Law
University of Utah
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PROFESSIONAL EMPLOYMENT

UNIVERSITY OF UTAH, S. J. QUINNEY COLLEGE OF LAW 1984 - Present

Professor of Law 1993 - Present
Associate Professor of Law 1988 - 1993
Adjunct Professor of Law 1985 - 1988

Teaching Legal Profession, Lawyering Skills (interviewing, counseling, negotiating),
Criminal Process, Poverty Law, Community Justice, Introduction to Law and Clinical
Courses

Clinical Program Director/Coordinator 1984 - 1997 and 1999 - Present

Responsible for design and oversight of extern-based Clinical Program

GREATER BOSTON LEGAL SERVICES 1978 - 1984

Senior Attorney in Family Law 1982 - 1984
Staff Attorney 1978 - 1982
Supervisor, Harvard Law School Clinical Program 1981

Represented clients in full range of family law cases, supervised law students

HALE AND DORR, Boston MA 1976 - 1978

Attorney (Associate)

General litigation practice

AWARDS

University of Utah Distinguished Service Award May, 2006

PROFESSIONAL EDUCATION

YALE LAW SCHOOL – J.D.

June, 1976

UNDERGRADUATE EDUCATION

THE OHIO STATE UNIVERSITY -- B.A., with Honors in English

June, 1973

Honors: Phi Beta Kappa, Summa Cum Laude, Student in Arts and Sciences Honors College

SCHOLARSHIP

Book

Leslie P. Francis & Linda F. Smith, LAW AND MENTAL HEALTH PROFESSIONALS: UTAH (American Psychological Association, 2007)

Articles

Access to Justice in Utah – Time for A Comprehensive Plan 2006 UTAH L. REV. 1117 (2006)

Client-Lawyer Talk: Lessons from Other Disciplines, 13 CLINICAL L. REV. 505 (2006)

Benefits of an Integrated (Prosecution & Defense) Criminal Law Clinic, 74 MISSISSIPPI L. REV. 1239 (2005)

Why Clinical Programs Should Embrace Civic Engagement, Service Learning, and Community Based Research, 10 CLINICAL L. REV. 723 (2004)

The Potential of Pro Bono, 72 U. M. K.C. L. REV. 447 (2003)

Designing an Extern Program 5 CLINICAL L. REV. 527 (1999)

Medical Paradigms for Counseling: Giving Clients Bad News 4 CLINICAL L. REV. 391 (1998)

Interviewing Clients: A Linguistic Comparison of the "Traditional" Interview and the "Client-Centered" Interview 1 CLINICAL L. REV. 541 (1995)

The Judicial Clinic: Theory and Method in a Live Laboratory of Law 1993 UTAH L. REV. 429 (1993)

Representing the Elderly Client and Addressing the Question of Competence 14 UTAH JOURNAL OF CONTEMPORARY LAW 61 (1988)

Adoption: The Case for More Options 1986 UTAH L. REV. 495 (1986)

SCHOLARSHIP -- PRESENTATIONS

- “Constructing Effective Simulations” at UCLA School of Law Conference The Pedagogy of Interviewing and Counseling: Models, Techniques & Technology, October, 2006
- “Skills Training Revisited -- Client-Lawyer Talk: Lessons from Other Disciplines” UCLA/IALS Sixth International Clinical Conference – Lake Arrowhead CA October, 2005
- “Do Externships Provide a Vehicle for Students to Explore Social Justice” AALS Conference on Clinical Legal Education – Concurrent Session, San Diego California May 3, 2004
- “Family Law: Making Appropriate Choices When Legal Issues Arise,” Pediatric Grand Rounds at Primary Children’s Medical Center, Salt Lake City, UT March 18, 2004
- “Access to Justice in Utah – Time for a State Plan: Who We Are, Where We Are, and What More We Could Do”, Presented at the Fordham Access to Justice Workshops, Utah State Bar January 16, 2004
- “Access to Justice Debate” Moderator of Panel Discussion, S.J. Quinney College of Law Jan. 15, 2004
- “Access to Justice In Utah – Time for a Comprehensive Plan,” Brown Bag presentation at S.J.Quinney College of Law and Continuing Legal Education presentation at Community Legal Center Fall, 2003
- “Law for Mental Health Professionals” presented at the University of Utah School of Medicine Psychiatry Residents’ Seminar Fall, 2003 and Fall, 2005
- “Relation of Externships to University Service-Learning Objectives, or, How Extern Programs Can Lead Law Schools to Civic Engagement?” presented at Catholic University’s Learning From Practice Externship Conference II March, 2003.
- “Proposal: The Externship Classroom Component Requirement: An Idea Whose Time Has Passed?” Respondent at Catholic University’s Learning From Practice Externship Conference II March, 2003
- “A Comprehensive Plan for Public Interest Law in Utah” presented as a Brown Bag at S.J.Quinney College of Law Fall, 2002
- “Teaching Client Interviewing – Demonstration and Discussion” presented at the AALS Clinical Section Conference May, 2002
- “What Makes Us Different, What Makes Us the Same” panelist presented at the Rocky Mountain Clinical Conference October 6, 2001
- “Bad News Counseling” presented as S.J. Quinney College of Law Downtown CLE, May, 2001
- “Client Counseling as Teaching — an Alternative Paradigm” presented at AALS Workshop of Clinical

Legal Education, Scholarship in Process May, 2000

“Current Challenges in Your Practices – the Student Perspective: presented at S.J.Quinney College of Law CLE for Clinical Supervisors September, 2000

“Places of Externships in the Clinical and Law School Curriculum” presented at the Catholic University’s Learning From Practice Conference March, 1998

“Helping Students Explore Personal and Professional Satisfaction” presented at the Catholic University’s Learning From Practice Conference, March, 1998

“Attorney Satisfaction: What Tools Can We Give Our Students to Help Them Find Personal and Professional Satisfaction” presented at the American Association of Law Schools’ Annual Meeting during the Joint Program of the Clinical Legal Education and the Litigation Sections, January 7, 1998

“Medical Paradigms for Counseling: Giving Clients Bad News” Paper presented at the UCLA and University of London’s Institute for Advanced Legal Studies “Conference on Conception Paradigms in Clinical Legal Education October 23-26, 1997

"Comments on the Fischer (Polygamist) Adoption Case Decided by the Utah Supreme Court" presented at Sunstone Symposium Summer, 1991

"The Judicial Clinic: Structure, Supervision and Curriculum" presented at American Association of Law Schools Annual Meeting, Clinical Section Meeting (Washington D.C.) January, 1991

"Do Courts Have a Role in Assuring Quality?" speech presented at American Association on Mental Retardation Region IV Conference (Salt Lake City) October, 1988

"Review of Utah Family Law in Light of Disparate Impact on or Treatment of the Genders", oral testimony presented to Utah Gender Justice Task Force (Vernal, and Moab), July & August, 1987

"Representing the Elderly Client of Questionable Competence" at American Bar Association National Conference on Professionalism, Workshop on: Ethical Issues in Dealing with the Elderly Client (Denver) June, 1987

PROFESSIONAL MEMBERSHIPS

MASSACHUSETTS STATE BAR Admitted January, 1977 (presently retired)

UTAH STATE BAR Admitted January, 1985

SERVICE

University of Utah

Academic Senate

- Immediate Past-President and ex officio member of Executive Committee July 1998 - July 1999
- President, Chair of Executive Committee, and ex officio member of all Senate Committees July 1997 - July 1998
- President Elect and ex officio member of Executive Committee July 1996 - July 1997
- Executive Committee, member July 1995 - July 1996
- College of Law Representative July 1994 - July 1997
- Ad Hoc Committee to Study Dispute Resolution Processes 1998 -2004
- Senate President's Designee as Ex Officio Member of Senate Dispute Resolution Committees July 1999 - present
- Consolidated Hearing Committee, Member, one of five Panel Chairs 2004 - present

General Institutional Review Board, Member

- Member Sept. 1988 - April, 2001
- Chair July, 2000 -April, 2001

Presidential Search Committee

2003-2004

Search Committee for Associate V.P. for Faculty

Spring 2000

Bennion Center, Advisory Committee, Class Committee, Futures Committee 1989 - 1993, 1999 - present

Student Commission

1998-2000

Chair, Advisory Committee to Dean of Graduate School, Regarding Dismissed Student

1993

Discrimination Grievance Hearing Panel, Member

Sept. 1988 - Sept. 1991

Administrative Review Committee for Office of Equal Opportunity, Member

1987, 1989

Equal Opportunity and Affirmative Action Commission, Member

1989

S. J. Quinney College of :Law

Retention, Promotion & Tenure Committee – Chair

2005 - present

Tenured Faculty Review Committee

2004 - 2005

Curriculum Committee, Member

1988 - 2001, 2004 - present

Chair

1998 - 2001

Admissions Committee

2001 - 2003

Recruitment Committee

2003 - 2004

Legal Community – Public Service Agencies

Victims' Legal Clinic, Advisory Board Member

2005 - present

Rocky Mountain Innocence Center, Board Member

1999 - present

Utah Legal Services, Inc., Board Member

1985 - 1994

Disability Law Center (then known as Legal Center for People with Disabilities, Inc.)

Board Member and Legal Panel Member

1990 - 1995

Legal Community – Bar and Court

Utah State Court Standing Committee on Resources for Self-Represented Parties

2005 - present

Utah State Bar, Ethics Advisory Opinion Committee, Member

2002 - present

Access to Justice Planning Council

2004 - 2006

State Law Library Steering Committee

Fall, 2003

Legal Community – Bar and Court -- continued

Utah State Bar, Guardian ad Litem volunteer representative for children	1997 - 2002
Utah State Bar, Delivery of Legal Services Committee	1998 - 1999
Utah State Bar, Friend of Court volunteer in domestic violence cases	1995 - 1998
Utah State Bar, Delivery of Legal Services Committee Advisory Board, Member	1993 - 1995
Utah Legislative Ad Hoc Committee on the Role of Court Commissioners, Member	1993

Other Community

Utah Parent Center, Board Member	2004 - present
President of Board	2005 - 2006
Developmental Disabilities Inc., (now DDI-Vantage) Board Member,	1988 - 1993
President of Board	1989 - 1993

American Association of Law Schools

Clinical Section, Member	1988 - Present
• Extern Committee Co-Chair	1992 - 1994
• Executive Committee Member	1995 - 1998
Clinical Committee	1994 - 1997

American Bar Association

Accreditation Site Visitor	
Arizona State University College of law	Spring, 2006
Indiana University, School of Law – Bloomington	Fall, 2003
Lewis & Clark College of Law	Spring, 2002
Pennsylvania State University, Dickenson College of Law	Spring, 2001
University of Oklahoma	

Pro Bono Cases of Note or Undertaken with Student Assistance

In Re: Adoption of J P J (C), Wyoming Third District Court, Sweetwater Co, No. A-01-2

- Regained custody of minor son for father whose paternity had been adjudicated in home state TN many months prior to mother's placement of 9-month old with Utah agency for adoption. Father had neither consented to adoption or been given notice, and when he traveled Utah (with paternity degree) agency told him he had no rights.

C W, minors K & J Warren; M C , minor C C, v. Adoption Center of Choice, Inc., Utah Third Dist. Court, Civil No. 020908640 (removed to U.S. Dist. Court)

- Represented adjudicated fathers and their children in suit against Utah adoption agency for tortuous interference with familial relationship. Agency brought mother and children from Tennessee without notice to or consent from fathers and placed them for adoption in Utah and Wyoming.
- Case settled by payment of damages to clients
- Five clinic law students assisted with research and client contact

Law student completed Note regarding case: John Bluth, *Can an Unmarried Biological Father Recover His Child and Damages?*, 2002 UTAH L. REV. 577.

In re: E.H. 2004 UT App. 419, 103 P.3d 177 (Utah Ct. App., 2004) cert granted, 2005

- Represented birth mother in trial and on appeal to vacate relinquishment for adoption for fraud, misrepresentation, and agency approval of an unsuitable family
- Court of Appeals reversed trial court's refusal to enforce stipulation that psychologist custody evaluator's decision that child's best interests required return to birth mother

In re: E.H. 2006 UT 36, 553 Utah Adv. Rep. 13, 137 P.3d 809 (Utah, 2006)

- On certiorari before the Utah Supreme Court, the Court held that the stipulation to comply with the psychologist custody evaluator's decision was not an unconstitutional delegation of judicial power and that the birth mother had standing to be heard on the child's best interest where she has selected this family to adopt her child and had discovered post-relinquishment problems.

In re Guardianship of Minors D and O H M, Utah Third District Court No. 043901278

In re Guardianship of Minor M. A.A., Utah Third District Court No. 043901275

- At request of student volunteer with IRC, supervised student and successfully obtain reconsideration of trial court's denial of motion to waive filing fee for indigent refugee families obtain guardianship of minor nephews in their care

Payne v. Payne, Utah Third District Court No. 034300338

- On referral from ULS and at request of student volunteer, supervised student in divorce case raising UCCJEA and Hague Convention jurisdictional issues on behalf of low-income client
- Successfully argued for Utah to retain jurisdiction. Divorce with custody issue pending

In re: Baby Boy Firth, Utah Fourth District Court No. 042400316

- On referral from ULS and LAS represented married birth parents regarding adoption relinquishment

