

UCI Law



Alumni **Newsletter**

*Let's Go Change
the World*

FEATURE

Protecting Civil Liberties
and Supporting Innovation
in the Digital Age



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Freedom Fighting

Law students in the IPAT Clinic work to protect civil liberties and support innovation in the digital age by advising and representing clients on a range of matters dealing with copyright, patent, privacy, First Amendment, and media law.

Twenty-six-year-old Pablo Unzueta has been using his camera to bear witness to civil unrest since the age of 17, when he photographed protests in the wake of the shooting of Trayvon Martin.

On the evening of September 8th, 2020, Unzueta was covering latest in a wave of protests that was sweeping the country over the summer, this one over the killing of Dijon Kizzee by L.A. Sheriff's deputies. Unzueta was following behind the marchers and taking photos of them, when the sheriff's department declared the protest unlawful and ordered the protesters to disperse. According to Unzueta, he followed the order and headed back to his car, but was arrested anyway—even after he identified himself as a journalist.

Deputies seized Unzueta's iPhone and camera and he was detained for roughly six hours. Upon release, the sheriff's department did not return his iPhone or his camera's memory card, which they claim was missing. "Within [the last] seven years, I have not had reason to believe I could not express my first amendment rights of documenting events in the public space. That changed this week with my experiences at the LA Sheriffs Department in South L.A.," Unzueta wrote on a GoFundMe page set up to buy a new iPhone.

Now, lawyers at UCI Law's Intellectual Property, Arts & Technology (IPAT) Clinic, led by professor and veteran first amendment litigator, Susan Seager, are demanding that the sheriff's department return Unzueta's equipment and issue an apology for his arrest. Seager and the clinic sent a letter in November to the sheriff's department, stating

deputies had violated Unzueta's First and Fourth Amendment rights. "There is no legal basis to withhold Mr. Unzueta's iPhone and memory card," the letter states. "It defies belief that Mr. Unzueta would not have had a memory card in his camera while actively photographing the protest." The sheriff's department recently opened an investigation into the seizure of Unzueta's cell phone and camera in response to the letter.

Unzueta's is just one of the many important legal fights on IPAT's docket. The clinic, whose mission is to help people solve problems at the intersection of law, technology, and the public interest, "supports civil rights, civil liberties, and innovation," says Professor Jack Lerner, Director of the clinic. "The idea is that tech law is an incredibly dynamic, fast-changing, and uncertain area of the law. There are many ways that technology lawyers - be it in the

private or public sector - can affect the public interest through their work. We have a really important pedagogical mission to explore that role and the ways that those interactions take place. Even if we're in private practice, we can still impact the public interest in a real tangible way."

In practice, this translates to a diverse docket. The clinic works with journalists, filmmakers, start-ups, nonprofits, and small businesses. "There is a lot of really rich cross-pollination within our clinic," says Lerner. "Maybe we're working with filmmakers on a really important issue of exposing wrongdoing or illuminating something important for the public to know about, but that individual might also have a technology that they're working with or a business model that they want explore, or they might have I.P. issues that are complicated, for which there's no easy solution—that ends up

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leading to incredibly rich learning opportunities for our students.”

“The founding faculty knew that technology would be a major part of the legal profession, and they wanted to create a clinic that helps clients navigate the real, profound challenges at the intersection of law and technology in a way that affects the public interest. That’s why we founded the clinic. We were trying to recognize not just what we need to teach our students about in the digital age, but where there was an opportunity to impact the public interest,” says Lerner.

One of the major challenges in tech law is that the law has never quite caught up to the technology. There are constantly novel questions arising around new technologies or new uses of technology, and that’s not necessarily true in other areas of law.

Another challenge the clinic confronts is the increasingly hostile economic environment for journalism. “One thing we can do to help with that is give guidance where necessary to filmmakers in rural or marginalized communities that are becoming news deserts. That can be an impoverished neighborhood in one of the biggest cities in the world, or folks out in the countryside whose newspapers are closing and

who don’t have the kind of corporate support for legal guidance that they once had,” says Lerner.

Professor Seager, who heads up the Press Freedom and Transparency practice at IPAT, says her work is all about making sure journalists can keep holding the government accountable. “Good journalism speaks truth to power and unearths the bad, dangerous, harmful things that our government is doing to us. Our goal is to represent independent journalists who are kind of outside of the mainstream and have less of a support system.

In the clinic, students get to work on a wide array of real-world cases and learn important litigation skills—skills that “are not typically taught in law school,” says Seager. “We prepare students for things like ‘what do you have to do to file a brief in a court of appeal or trial court? How does a brief have to look—what size font, what kind of font? These are nit-picky things, but that’s what a young lawyer has to learn if you do litigation.”

In the years since its founding, the clinic has achieved several major victories. “Recently, through our advocacy, we’ve gotten two gag orders lifted,” says Lerner. “One on a very prominent rapper called Drakeo the Ruler. It was

an extremely controversial case and an overbroad, highly inappropriate, and frankly, blatantly unconstitutional gag order that the judge issued in that case. He couldn't talk to anyone except his lawyers, not even his family. There was no reason for that. Not only was it not warranted under the law, but the courts failed to make any factual findings in support of the ruling in that case."

On the first day of the clinic, Professor Lerner likes to set the tone for his students. He tells them, "You will be public interest tech lawyers for the next several months. You will be learning new skills. You will be learning about the major controversies of the day. You will be reflecting on how you're transforming and changing, how your awareness is changing, and how your conception of yourself as an attorney is changing. You will be learning important nuts-and-bolts skills that will help you be a better lawyer: everything from writing to oral advocacy, to research, to collaboration and negotiation. At the end of the process, we hope that you will never look at technology law and free speech the same way again. You will see the public interest in every aspect of technology law, where it had previously been invisible to you. You will say, 'I have been transformed as a lawyer and I have a greater understanding and new skills, and I know I can do this.'"

Core + Elective Clinics

Practicing law under close supervision and with time for reflection is a fundamental goal of the UC Irvine School of Law curriculum, and the clinical program, ranked No. 6 in the nation by U.S. News & World Report, is the most important means by which students achieve this goal.

We represent all of our clients pro bono, and we hope that through having this experience in a clinic, every student will understand the value of providing legal counsel to those who can't afford it and incorporate it into their practice, whether they're in private practice, government, or elsewhere.

Core Clinics

[Ninth Circuit Appellate Litigation Clinic \(ALC\)](#)
[Civil Rights Litigation Clinic \(CRL\)](#)
[Community and Economic Development \(CED\)](#)
[Consumer Law Clinic \(CLC\)](#)
[Criminal Justice Clinic \(CJC\)](#)
[Domestic Violence Clinic \(DVC\)](#)
[Environmental Law Clinic \(ELC\)](#)
[Immigrant Rights Clinic \(IRC\)](#)
[Intellectual Property, Arts, and Technology Clinic \(IPAT\)](#)
[International Justice Clinic \(IJC\)](#)
[Workers, Law, and Organizing Clinic \(WLO\)](#)

Elective Clinics

[Appellate Litigation Clinic for Veterans](#)
[Appellate Tax Clinic](#)
[CA Department of Fair Employment & Housing Civil Rights](#)
[California State Tax Clinic](#)
[International Human Rights Clinic](#)
[Reproductive Justice Clinic](#)
[Startup and Small Business Clinic](#)

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We want to hear from YOU, UCI Law alumni!

We invite you to share news, announcements, and helpful resources from your post-law school life. The information you share could be featured in the Alum Messages section, #soUCI Notes, of our digital alumni newsletter! By taking a few minutes to share, you will help strengthen connections across our alumni community.

[CLICK HERE](#)

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