NORTHWESTERN LEGAL ASSISTANCE CLINIC

News and Notes

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FALL, 1976

FRESHMEN LEGAL CLINIC - LEGAL WRITING PARTICIPATION PROCEDURES

For the third year, all freshmen students who work in the Legal Clinic will be in the same Legal Writing/Moot Court section. Their research and writing assignments are drawn from active Clinic cases on which students are working rather than from simulated problems used by other Legal Writing groups.

Any freshman student desiring to work in the Legal Clinic this year must sign up to do so NO LATER THAN NOON, FRIDAY, SEPTEMBER 10, 1976. Friday afternoon a lottery will be held to select freshman students for participation in the Clinic. There will be a weighting of the lottery, with preference for minorities, Spanish-speaking students and women, but only if the number of applicants from those groups is less than representative. Those students selected as a result of the lottery will be notified in writing and by posted memorandum on Monday, September 13th.

There will be a meeting for all freshmen students interested in participating in the Clinic at 4:00 p.m. on September 13th in the Clinic (basement of Thorne Hall).

SELECTION PROCEDURES FOR JUNIORS AND SENIORS

All junior and senior students wishing to participate in the Legal Clinic should submit their names and class schedules at the Clinic BEFORE NOON, FRIDAY, SEPTEMBER 10th. Seniors who have worked in the Clinic before and who have met all prerequisites for receiving credit in their senior year (i.e. 711 requirements, trial practice and orientation) will be given preference. Juniors who have prior work experience in the Clinic likewise will be given first choice. After that, those students who are on the waiting list (from their freshmen year) will be given preference. Juniors who have prior work experience in the Clinic likewise will be given first choice. After that, those students who are on the waiting list (from their freshmen year) will be selected in the order of their position on the list, but only if they resubmit their names and class schedules. Selected junior and senior students will be notified on Monday, September 13th, by lists posted in the Law School and Clinic.

NEW SENIOR GRADING POLICY

For the first time seniors receiving course credit for work in the Legal Clinic will receive grades (H,S,P,F this year) rather than merely pass/fail credit. The three-fold rationale for the new grading policy is:

1. To increase the structure and rigorousness of the Clinical Practice course;

2. Students who perform well in Clinical Practice deserve to have that fact recorded on their scholastic record;

3. To avoid the possible problem of students taking the Clinical Practice "credit" for granted.

In order to insure that the grading is as objective as possible, a set of written, uniform standards has been developed by Clinic attorneys for distribution to all senior students at the beginning of each semester. In addition, periodic evaluation meetings between supervising attorney and senior student will be required, and written evaluations will be issued and discussed at those meetings. Finally, all students, including seniors, will be asked to submit written evaluations of their supervising attorneys each semester.

LEGAL CLINIC CASE STATISTICS SUMMARY

STATISTICS

The Clinic recently completed a statistical review of its cases covering January, 1972 through June, 1975. This review was made possible by the evaluation component of the Clinic's N.I.M.H. Juvenile Law Training Grant. The statistics include profiles of clients by age, race and sex, the types of cases handled by the Clinic, the percentages of cases accepted and rejected, and the nature of case "outcome". A summary of these statistics follows:

1. Number of Clients Interviewed* at the Clinic 1972-1975

1972	1973	1974	1975	1976 (thru 7/1)
307	729	761	988	602

*All potential clients who come to the Clinic are interviewed by a student who then reviews the case with his/her supervising attorney. If a case is not accepted, the student and attorney meet to construct a meaningful referral plan.

2. Percentage of Cases Accepted* by the Clinic

1972	1973	1974	1975
92.3%	78.8%	60.8%	40-45% (estimate)

*A case that is "accepted" is one in which the Clinic agrees to represent the client.

3. Percentage of Caseload Represented by Legal Area:

	1972	1973	1974	1975
Consumer Employment	7.5	7.1	10.1	11.1
Housing & Property	6.8	8.9	10.8	12.1
Divorce	20.5	26.8	24.6	20.3
Custody & Guardianship	2.0	1.8	4.2	7.2
Other Family	5.5	3.6	6.9	5.1
Welfare & Administrative	3.9	5.3	7.7	3.6

	1972	1973	1974	1975
Juvenile	2.3*	1.3	1.5	5.6*
Criminal	41.0	19.0	20.0	24.0
Misc.	10.0	16.0	13.0	14.0

*After June, 1975, our Juvenile intake was 42% of our new caseload. This is attributable to our Juvenile Law Training Program.

4. Source of Referral

	1972	1973	1974	1975
Medical School	7.3	6.3	5.5	2.8
Bar Association Court Referral	2.7	13.4	13.7	12.8
Employee Program	6.5	7.9	5.9	3.8
Volunteer Advisory Council				
Other Client	20.0	14.8	11.5	15.9
Prior Client	13.8	11.2	11.3	7.2
Publicity	3.5	5.2	9.1	5.9
Social Agency	18.8	23.1	18.5	24.8
Employer	1.5	2.0	1.5	2.8
Other	25.8	16.0	22.4	23.4

5. Sex

	1972	1973	1974	1975
Male	51.5	52.0	42.0	49.0
Female	48.5	48.0	58.0	51.1

6. Race

	1972	1973	1974	1975
White	51.9	47.3	48.8	45.4
Black	36.2	34.9	40.0	45.1
Puerto Rican	3.8	5.8	3.5	2.0
Mexican	3.8	5.6	3.5	3.8
Oriental	1.3	.9	1.1	.3
American Indian	1.7	2.1	.4	1.4
Other Latino	.4	1.5	.9	1.4
Other	.9	1.9	1.7	.7

7. Age

	1972	1973	1974	1975
11-14	.3	.4	.3	1.8
15-16	2.9	1.3	.8	4.0
17-18	3.5	3.6	3.5	7.6
19-20	15.8	6.9	4.0	3.6
21-25	24.1	27.0	19.8	23.1
26-30	12.5	15.6	15.7	16.0
31-35	10.0	9.8	12.0	10.7
36-40	3.2	7.2	7.0	7.1
41-50	3.9	5.8	9.5	10.7
51-60	1.9	4.7	5.7	2.7
61-70	1.0	1.3	3.2	.9
71-90	.3	.9	.8	1.3

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CASE DIGEST

APPEALS

*Disorderly Conduct

In a recent favorable decision, the Illinois Appellate Court ruled that the gravamen of the offense of disorderly conduct involves a disturbance of the public peace and that our client's conviction must fall where the City failed to prove that bystanders to the incident in question were affected by the defendant's conduct. Section 193-1(b) of the Chicago Municipal Code provides that a person "commits disorderly conduct when he knowingly does or makes any unreasonable or offensive act, utterance, gesture or display which, under the circumstances, creates a clear and present danger of a breach of the peace or imminent threat of violence". The City had argued on appeal that it had met its burden of proof by showing that the defendant's conduct had disturbed and alarmed the complainant, an off-duty police officer who objected to the defendant's dog's use of his property. The reviewing court concluded that while the evidence might support a conviction for assault and/or battery against either party, in the absence of testimony that someone other than the actors was attracted to the scene or otherwise disturbed, a conviction for disorderly conduct would not lie. (City of Chicago v. Lowy, Ill. App. 1st Dist. No. 60803, July, 1976).

*Real Estate

The Illinois Supreme Court's 4 to 3 decision in Echols v. Olsen, 347 N.E. 2d 720 (1976), caused a major change in the conception which most practitioners in the field of real estate law previously had of the operation of the Torrens title system in Cook County. In this case, the prior attorney of the Clinic's client had failed to register under the Torrens system the certificate of title from her divorced husband to herself. Consequently, a creditor of her husband registered a lien which it had against him on the Torrens certificate which was still solely in the husband's name. The trial court, believing that under the Torrens system the Torrens certificate is the sole and conclusive evidence of the state of the title, refused to order the lien removed, even though our client was not liable for the debt underlying the lien. The Illinois Supreme Court, affirming the decision of the Appellate Court, reversed the trial court on the grounds that, although the Torrens law was enacted in order to make the Torrens certificate the sole and conclusive evidence of the title with respect to intending purchasers, it was not intended to accomplish this result with respect to creditors. Since creditors are not entitled to rely on the Torrens certificate as the exclusive evidence of title, and since under common law creditors are entitled to no greater interest in property than that actually possessed by their debtors, the Court held that the act of registering a lien on the Torrens

certificate that was still exclusively in its debtor's name did not in itself give the creditor a superior interest to that of our client, who had the sole equitable interest in the property.

CIVIL RIGHTS

*Open Housing

Several Clinic attorneys and students are working with other attorneys on matters arising from the attack on civil rights marchers in Marquette Park and earlier arrests of marchers for parading without a permit. The actions include a civil rights suit for denial of parade permits and failiure to provide adequate police protection, as well as criminal cases for parading without permits. (One Clinic attorney, who attended the Marquette Park march as a legal observer, was struck on the elbow by a brick thrown from the assembled crowd. While the injury has not proven to be an insurmountable obstacle to the practice of law, it has all but destroyed a once-revered volleyball serve).

*Mental Health

We are awaiting a decision from the federal Court of Appeals on the issue of whether a mentally ill person can be involuntarily committed in the absence of overt acts showing dangerousness to self or others.

CRIMINAL LAW

*Right to Counsel

Another issue which is briefed, argued and awaiting decision from the Seventh Circuit is whether violations of the right to effective assistance of counsel so affect the integrity of the trial process that they never can constitue harmless error, and, if not, whether such errors can be harmless unless they are harmless beyond a reasonable doubt.

Another pending Seventh Circuit action involves a civil rights class action challenging the denial of appointed counsel to certain Cook County indigent criminal defendants. At the District Court level, the Plaintiffs prevailed against Defendants' motion to dismiss and then asked for a continuance in order to do discovery in the case. The District Court denied the request and on his own motion dismissed the case for want of prosecution. The dismissal immediately was appealed to the Court of Appeals, which allowed Plaintiffs' motion for an expedited appeal. The Court of Appeals has not yet ruled on the merits of the appeal, however, despite the fact that the motion for expedited ruling was allowed nearly one year ago.

In another case in which the Clinic has a petition for leave to appeal now pending before the Illinois Supreme Court, the issue is whether a person who has been charged with a misdemeanor punishable by imprisonment, but who was actually fined and not imprisoned after being found guilty, has a right, under Illinois Statute and the Sixth and Fourteenth Amendments to the United States Constitution, to be advised of his right to counsel and of his right to have counsel appointed if he cannot afford counsel. The Illinois Appellate Court, First District, in a 2 to 1 decision with Judge Leighton dissenting, held that under Illinois law and the United States Constitution convicted misdemeanants who are fined and not imprisoned have no such right to counsel.

CONSUMER LAW

The Clinic recently settled a consumer class action brought on behalf of a client against a large furniture retailer. The amended complaint alleged, among other things, that the defendant failed to make required disclosures in the manner required by the Truth-in-Lending Act and the Illinois Retail Installment Sales Act, and that finance charges involved in the 2,500 transactions covered by the class action were concealed in the price of the merchandise sold to class members. The Truth-in-Lending Act was amended during the pendency of the suit to provide a maximum recovery of approximately one dollar per class member. The amended complaint sought to circumvent this recovery limitation. The settlement of the suit resulted in recovery of ten dollars in damages for each class member and in the award of $7,500 in attorney's fees.

EDUCATION LAW PROJECT

The despair and frustration of Chicago parents and students over the public schools' failure not only to provide a minimally adequate education, but also to treat them with fairness and civilty, has increasingly led students and parents to seek legal redress for their school-related grievances. One Clinic attorney and a team of students have been trying to develop the law's responsiveness to these critical needs through both law reform litigation and the provision of legal support to community groups seeking to improve their schools.

One of the most complained of practices of Chicago public school administrators has been the frequent and arbitrary use of suspensions for discipline problems. In the Clinic case challenging the lack of due process safeguards in twenty-day suspensions, the Federal District Court required more extensive procedural protections than any court that has yet addressed the subject, including the right to counsel, to confront and cross-examine witnesses, to tape-record the proceedings and to have an impartial hearing officer. This case is now before the Federal Court of

Appeals on the issue of whether the unconstitutionally suspended student should have been awarded damages for the deprival of both his constitutional rights and of the educational services to which he was entitled.

In two pending Clinic cases, the suspension of Black and Latino students more frequently and more severely than White students for similar misconduct is being challenged as violating both equal protection and the Civil Rights Act of 1964. We are also asking the Federal Court as a preliminary matter to force the Chicago Board of Education to disclose the racial identities of suspended students. Such disclosure is also being sought in administrative proceedings before the Office for Civil Rights of HEW.

Suspensions and expulsions are used by some school officials not only with respect to a disproportionate number of minortiy students, but also with respect to students who raise questions administrators would rather not answer. In this connection, we are challenging in Federal Court on First Amendment and substantive due process grounds a student's expulsion which ostensibly was for a non-school-related arrest, but which occurred just after he had organized and led a popular and peaceful student protest meeting concerning the school's total disregard for the Latino student's special educational needs.

Another inappropriate use of discipline in a Chicago public school which has recently been challenged in a Clinic case in Federal Court is the oppressive and dangerous corporal punishment policy at a special school for children who have been truant and discipline problems. This policy was challenged on both federal constitutional grounds under the Fourteenth and Eighth Amendments and on state common law grounds as a violation of the professional standard of conduct which public school teachers and administrators owe their students. The Chicago Board of Education, in order to settle the suit, recently agreed to stop all corporal punishment at the school and to implement a procedure for the investigation of complaints of corporal punishment and for the discipline of teachers who use corporal punishment.

In another Clinic case in state court, we are attempting to establish the new tort of pedagogical malpractice. Our complaint alleges that a special education teacher's constant use of "aversive conditioning" i.e. punishment technique on a mentally retarded first grade student fell below the measure of skill and knowledge ordinarily practiced by special education public school teachers.

Finally, in several cases the Clinic's education team is exploring, developing and implementing various procedures by which students and parents can motivate or force federal and state-level administrative agencies to take action against local school officials who do not comply with statutory or regulatory standards, such as Title I of the Elementary and Secondary Education Act.

In many of the cases noted above and in several others now in preparation or under investigation, the Clinic's education team has worked closely with neighborhood and city-wide community organizations concerned about the Chicago Public Schools' miseducation of its students. We have also begun to develop working relationships with educators and mental health professionals in order to plan appropriate strategies for dealing with our clients' school problems and to implement those strategies effectively. In the future we plan to develop these community and professional relationships on a more intensive and broader basis.

EMPLOYMENT LAW

As retaliation against our client for filing a charge of employment discrimination with the Illinois Fair Employment Practices Commission, the employer filed a damages action in state court alleging libel and interference with management-union contractural rights. Our motion to dismiss the state court case was allowed on the grounds that the filing of a complaint with a state administrative agency is constitutionally privileged conduct.

The Clinic has two cases on appeal before the Illinois Appellate Court involving the racially-motivated termination of employees as a result of their arrests on criminal charges (one job-related and one non job-related). The employees were acquitted of all criminal charges. Both employees were found guilty of an unfair labor practice by the Illinois Fair Employment Practices Commission as a result of their decision to terminate on the basis of arrest. In both cases, the Commission's decision was summarily reversed by the Circuit Court on administrative review. On appeal, the issues include the appropriateness of summary reversal by the trial court in addition to the merit of each case.

JUVENILE LAW

Briefed, argued and awaiting decision is a case which challenges the constitutionality of the Illinois state-wide juvenile curfew law.

Two Clinic attorneys, working with five students, recently presented thirteen witnesses and four days of testimony in an effort to suppress the alleged confession of a 14 year old girl in a murder case. The testimony of various witnesses was contradictory on many key points, including the adequacy of the Respondent's Miranda warnings. The defense, however, presented uncontroverted expert testimony from a clinical psychologist that the Respondent was both mentally and emotionally

incapable of voluntarily waiving her rights. Based on this evidence, the trial judge concluded that the confession was not voluntarily made and ordered it suppressed. The State has taken an interlocutory appeal.

Our motion to suppress identification in an armed robbery and rape case recently was allowed in a juvenile court delinquency case. The State is now taking the position that the granting of a motion to suppress is applicable only to out-of-court identifications and insisting that the complainant be permitted to make an in-court identification at the time of trial. A ruling on the State's interpretation is pending at the trial court level.

Two Clinic attorneys represent opposite positions in two cases involving the question of whether a child can be adopted against the will of his/her natural parents, if there has been a "failure to make reasonable progress" towards return of the child within twenty-four months after a finding of neglect, despite the parent's best efforts.

PRISONER'S RIGHTS

A partial consent order recently was entered by the United States District Court in a civil rights action challenging conditions at DuPage County Jail (Smith et al. v. Shimp et al., 73 C 985). Areas covered by the consent decree include access to legal and reading materials, visitation and recreation, medical and sanitary conditions and procedures required prior to revocation of inmate privileges. The one remaining issue in the case involves the reading and censorship of inmate correspondence.

A new trial is presently scheduled for November before the United States District Court in Danville, Illinois in the case of Chapman v. Kleindeinst (507 F2d 1246). The Seventh Circuit remanded the case for trial on the issue of whether placing a Muslim inmate in punitive segregation for several months for refusal to obey an order to clean pork from food trays was violative of the First, Eighth, and Fourteenth Amendments. In the original trial, the plaintiff was refused appointment of counsel, was permitted one day to try his case and then was told he could submit affidavits with respect to any further evidence he desired to submit. The Clinic represented plaintiff before the Seventh Circuit on appeal of that order.

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EVALUATION OF STUDENT RESPONSE TO CLINIC'S JUVENILE LAW TRAINING PROGRAM

Responses to a questionnaire prepared by outside evaluators of the Clinic's Juvenile Law Training Program indicate that students who participated in the Juvenile Law Program look more favorably upon working in the juvenile law field than do law students who have not participated in the program. Questionnaires were distributed last Spring to four groups of law students: those in the Juvenile Law Program; students in the Clinic but not participating in the Juvenile Law Program; students on the Clinic's waiting list; a control group random sample from the student body. Students were asked, with respect to a number of legal specialties, which specialties they found to be highly desirable, moderately desirable, etc., assuming opportunities and jobs in such fields were readily available.

The survey also provided evaluators with information about student preferences for a number of other fields, and indicates that students participating in the Clinic and the Juvenile Law Program have a greater interest in pursuing careers in poverty law, family law, and consumer law than the random sample of law students which formed the control group for the survey. Careers in tax, antitrust, and corporate law were found to be less desirable to Clinic students than to the random sample control group. It is interesting to note, however, that students in both the Clinic and in the random sample listed involvement in civil rights law as their most desirable choice. Second to civil rights in the random sample group came corporate law, followed by poverty law, with family law last. The responses of the random sample group were generally not as enthusiastic about their preferences as were the responses of students in the Juvenile Law Program, the Clinic, or those on the Clinic waiting list.

The full report of the evaluators of our Juvenile Law Training Program will be forthcoming shortly.

SUMMER CLINIC PROGRAM - TWO STUDENTS' EXPERIENCES

Work study funds and juvenile law trainee stipends made it possible for twenty-four students to work at the Clinic this summer. Under the supervision of the Clinic faculty, students interviewed approximately 300 clients who visited the Clinic during June, July and August. Students also drafted court documents, did legal research, conducted investigations and, under Illinois Supreme Court Rule 711, appeared in court on behalf of clients. Accounts of two students' experiences are set forth below.

By Sarah Wolff

(On July 12th, approximately 25 women inmates of Dwight Correctional Center were placed in 30-day investigative segregation after an alleged "riot" ensued when prison officials used teargas to force the women to go to their cells at 10:00 p.m. On July 23rd, the Clinic, in conjunction with other attorneys, filed a federal injunctive and declaratory action challenging the conditions under which the residents were being held. The suit alleged, among other things, that the women had not been permitted a change of clothing since the night of their confinement eleven days before, that many were in torn nightclothes and without shoes, and that some had been taken before the Parole and Pardon Board in that condition. Additionally the suit alleged that the inmates had been permitted outside their two-person, small cells for only one hour in the eleven intervening days. To date, the response of the federal district court has been disappointing. A temporary restraining order did grant the women two hours of recreation and two showers per week. The institution responded by counting showers and all visits with attorneys as recreation time. When this clear violation of the letter and spirit of the TRO was brought to the attention of the federal court judge, however, he refused to sanction the institution, saying his order was subject to "good faith misinterpretation". A second federal judge has refused our request to have the two named plaintiffs brought to Chicago to testify at the hearing for preliminary injunction, stating he would prefer "under the circumstances" to proceed by way of affidavit. Additionally,following "hearings" (no witnesses required or permitted, no attorneys allowed, etc.), the women have been indefinitely confined to segregation pending 60-day review. Many have lost up to 90 days good time and have been reclassified as maximum security risks, thus losing almost all institutional privileges. What follows is the professional and personal response to the situation of one student who has been working on the case.)

Dwight is a women's prison. Although there are now approximately 50 males in confinement there, it still is considered to be a women's prison. I didn't really go down to Dwight giving much thought to how I would react to the prisoners as a woman. I guess I was more concerned about learning about the incident which led to our representation and about how to interview clients. And I was curious to visit a prison.

We were at Dwight to interview the inmates whom we were representing in an action brought against the Department of Corrections. Our clients had allegedly been involved in a disturbance and subsequent to the incident were confined in a segregation unit. Of course, we were on the side of justice and mercy, that is, we were the plaintiffs in a suit challenging the procedures followed by the Department of Corrections in confining an individual to segregation.

As we cooled our heels while going through an interminable admittance procedure, I alternated between feeling incredulous about the way the prison was run and feeling a little absurd for feeling so incredulous. After all, I'm not supposed to be so naive about what it is "really" like in prison, am I? Nonetheless, I was amazed to learn that the inmates are limited in the number of letters they can write per week, and that all of the letters are first read and logged by a prison employee. I watched and listened with sorrow to the very nervous prison employee tell an older couple who had made the long trip out to Dwight that only one of them would be admitted to see the person whom they had come to visit because the man was not on the list of the inmate's expected visitors.

Segregation, according to the official rules and regulations of the Department of Corrections, has as its sole purpose "to allow for the individuals and the Department to adjust behavior so that it is consistent with the rules and regulations that are required to maintain a safe and humane environment for both staff and resident." After listening to the women tell their stories I fail to see how segregation can contribute to one's humanity or sanity. Since a person who is in prison is confined in an institution where individualism is anathema to the purposes of that institution, confinement in segregation only exacerbates what to me is the most troubling aspect of what prison is all about -- the destruction of a sense of self. You see, I don't subscribe to the theory that prisons are designed to rehabilitate.

Now I understand that these women are not in Dwight because they were attempting to advance the cause of society. Of the four women I met and talked with I didn't like all of them nor did I think I would like to cross a couple of their paths once they were out of prison. But I do think there is something wrong with a system that keeps you double bunked in a room 10 feet by 10 feet, while for the first few days in segregation you wear whatever clothes had been on your back the night you were teargassed and confined. And there is something wrong with a system that brings you three meals a day, all of them cold, until the

day comes when state representatives tour the prison and suddenly the food is hot and there is steak for dinner. And there is something wrong when you only get out of your cell for recreation time for one hour a week.

The stories of the four women I saw were pretty much the same. They told us how the incident started; about the prison guard who gave the original order which precipitated the incident, and about being locked in a room and having two rounds of teargas thrown inside. They told us how that teargas made them crazy to get out and how that was called a riot. They told us they had not been outside of the building in which their segregation unit was housed in three weeks. Some had only had one and a half hours of recreation time in that entire period, and some of that time included the time it took to take their weekly or bi-weekly shower. They had had only one clean sheet aside from an initial set of sheets which had been dispensed in three weeks of confinement. And they had waited for approximately five days for their linen and mattresses to come in the first place, with the mattresses coming first. And I just kept thinking two things -- "how do they stand it" and "it just isn't fair".

We learn in law school that procedural due process means that an individual must be treated with "fundamental fairness". In our case, the procedure contained in the Department of Corrections manual regarding confinement in segregation pending investigation may have been followed. To the detached layman, those procedures, on paper, appear to be meaningful. But, do they really mean anything in terms of the reality of what happens?

Willie was the last client we saw that afternoon. She is also the only one I have been unable to forget. I must confess that until Willie came our case still did not seem quite real. None of the other women made me feel as vulnerable and as conscious of my freedom as she did.

As Willie talked, I thought of what one of the other women had said, that everyone was getting tense. You could see it in Willie, who was always on the verge of tears, yet retaining a soft dignity about her.

Like several of the others, Willie had gone before the Parole and Pardon Board as previously scheduled the day following the incident. Like the others who went before the Board she was forced to go in her torn and teargassed clothes, her request for a shower and clean clothes having been denied. In her case she went with only socks, no shoes. Like the others, she was told that since there had been a disturbance the night before she was to have a 30 day continuance on her parole hearing. Unlike the others, Willie tried to talk with the members of the Parole Board about what had happened the night before. But no one would listen.

Willie also talked about what prison was doing to her. She said that she had a number of disciplinary tickets. The way she told it, they came because she was guilty of trying to "make them respect" her. So she previously received a ticket for throwing hot coffee in a guard's face when he tried to make a sexual advance toward her. I must admit I can't blame her. It sounded like it was the only way she could continue to respect herself. But it's not the way you get out of prison early. And that's the catch of prison.

Our clients were all found guilty by a Department of Corrections hearing board of violating certain prison rules and they all received an additional 30 days in segregation to add to the three weeks they had already spent in segregation. And, according to the rules, their status in segregation will be reviewed at the end of the 30 days and they could continue to be confined in segregation for another 30 days. The reason for additional confinement is supposed to be current attitude and dangerousness and not the original violations which precipitated segregation. After 70 days or so in segregation, I would think anyone's attitude would change for the worse, so that there probably would be grounds for continued segregation, if the hearing board was so inclined. Grounds? That's the rub of challenging the administration of a regulation like this one. How do you prove the regulation is being administered unfairly?

There is a postscript to this story. In response to the Federal Civil Rights complaint filed in court against the Department of Corrections, Judge Parsons had ordered that they be given two hours of recreation time per week, even though the regulations of the Department called only for one hour. The Department was called into court last week as the Judge was petitioned on a rule to show cause why the Department should not be found in contempt for failing to provide the women with their two hours of recreation time. The prison officials had counted the time the women spent with their attorneys as recreation.

Judge Parsons refused to hold the Department in contempt. He did order that his previous order be followed. So now, showers and visits with family, friends, and attorneys cannot be considered recreation time. Maybe that extra hour will delay the coming of Willie's next disciplinary ticket. I hope so.

By Jerry Atencio

As a beginning second year law student, my participation in the Clinic Summer Program has been of a multifaceted nature, provding breadth and depth exposure to the legal profession.

Five major classifications of law were represented in my twenty-nine case caseload for the summer. They are: 1. Criminal Law (8 cases); 2. Family Law (10 cases); 3. Contracts (4 cases); 4. Taxation (1 case); and 5. Housing Law (4 cases). The cases in the Criminal Law classification were quite diverse, involving expungement of criminal records, aggravated assault, battery, robbery, glue sniffing and "cross-dressing".

The "cross-dressing" case involves an appeal to the Illinois Appellate Court on behalf of two male clients charged with violating the Chicago ordinance which forbids dressing in the clothes of the opposite sex with the intent to conceal one's sex. I researched the authority cited in the appellee's brief and provided input in the drafting of our reply brief. I was also responsible for filing the reply brief with the Court and serving it upon opposing counsel.

A large percentage of the Family Law caseload was devoted to divorce cases. Each divorce case is unique, but perhaps the most interesting that I handled was that of a deaf-mute client. I originally was assigned to translate the defendant's spouse's answer mailed from her attorney in Puerto Rico, from Spanish to English. In one particular appointment with the client, I learned the difficulty and frustration of communicating with a deaf individual who is not able to read lips. Since I am not able to use sign language, the totality of the interview was conducted passing notes. The divorce prove-up itself, however, went smoothly, with the judge complimenting the 711 student assigned for the prove-up and myself for our presentation and efforts on behalf of the client.

The remainder of the divorce cases proceeded much along the same pattern; initial interview with client to determine the relevant facts, drafting a divorce complaint; completing the necessary forms for filing; filing the complaint and forms with the Divorce Division; waiting for service of the complaint; assignment of a court date; prove-up before the judge by either the supervising attorney or a 711 student; and finally preparation of the Decree and presentating the Decree and transcript to the judge for final approval. Under the supervision of my supervising attorney I was responsible for the preparation of all facets of the divorce case, except the actual oral presentation at the divorce prove-up. This intimate contact with the cases resulted in a complete and well-balanced knowledge of the substantive and procedural law of the Illinois Divorce Act.

The Contracts case resulted in an out-of-court settlement that was favorable for my clients. The first case which I helped negotiate involved a defective fire extinguisher. The manufacturer had made express warranties and an implied warranty of its fitness for a particular purpose. The fire extinguisher's failure to operate properly resulted in damage to our client's auto's electrical system. After several weeks of communication with the manufacturer's insurance company, an equitable settlement was reached. I had won my first case.

The tax issue presented by our client, a non-profit organization, was whether their applied for, but not yet granted, tax exempt status could be retroactively enforced. My involvement with the case largely has been that of researching the legal issue. On various occasions however, I have contacted the Internal Revenue Service Collection Agent assigned to the case to determine the client's present tax liability and to establish a payment schedule for the past tax liability.

The landlord/tenant relationship comprises the thrust of my exposure to the Housing Law area. One case involved the return of a security deposit and one month's rent based on constructive eviction. My major involvement with these cases has been to prepare the complaints, motions and other court documents for the suit.

In conclusion, the caseload has presented a variety of legal issues, all challenging and unique due to the factual setting of the particular case. The process of negotiation, drafting (and many times redrafting) of motions, complaints, decrees and orders has been educational. More importantly, the summer experience has allowed me to observe the legal process, with its many intricate internal workings, first hand. The caseload of a legal assistance clinic may be skewed in certain legal areas, but it provides a vehicle for a student to see the practicalities of the legal profession.

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