NORTHWESTERN LEGAL ASSISTANCE CLINIC
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News and Notes

September, 1977

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FRESHMEN LEGAL WRITING IN THE LEGAL CLINIC PARTICIPATION PROCEDURES

For the fourth year there will be a Legal Writing/Moot Court section in the Clinic. Research and writing assignments for the Clinic section will be drawn from active Clinic cases on which students are working.

Any freshman student desiring to fulfill his/her legal writing requirement in the Legal Clinic this year must sign up to do so NO LATER THAN NOON, FRIDAY, SEPTEMBER 9, 1977. On Friday afternoon, a lottery will be held to select freshmen students for participation in the Clinic legal writing section. Those students selected as a result of the lottery will be notified in writing and by posted memorandum on Monday, September 12th.

There will be a meeting for all freshmen students interested in participating in the Clinic at 4:00 p.m. on September 8th in the Clinic (basement of Thorne Hall).

SELECTION PROCEDURES FOR JUNIORS

A. Sign-Up Procedure

All juniors wishing to participate in the Clinic must submit their names and class schedules on forms at the Clinic BEFORE NOON, FRIDAY, SEPTEMBER 9th. Because of the establishment of a new clinical sequence (described below), preference will be given to those students who enroll in the revised Clinical Trial Practice course first semester (or second semester if closed out first semester) and Counseling, Negotiations, and Litigation second semester (both revised courses described below).

B. New Clinical Course Sequence

In order to allow students to integrate in a more structured fashion the practice and classroom elements of the client representation process, and to better prepare seniors enrolled in Clinical Practice to fully use their 711 Certification early in the fall semester, two courses will include work in the classroom and on cases at the Clinic. The new course descriptions are:

COUNSELING NEGOTIATIONS AND LITIGATION (3 hours)

Training in the techniques, tactics, and strategic considerations involved in the litigation process from the initial client interview through pre-trial discovery. The course will focus on interviewing and counseling of clients, pleadings, pre-trial motions, discovery, negotiations, and the relationship between these aspects. Class sessions will consist of lectures, simulated problems, interviews of actual clients, and discussion of selected problems in cases currently being litigated at the Northwestern Legal Assistance Clinic.

CLINICAL TRIAL ADVOCACY (3 hours)

An introduction to trial advocacy and preparation of students for the representation of clients in the Clinical Practice course. Students' skills will be developed and tested by presentation of solutions to trial problems at weekly class sessions. The trial problems will require students to examine witnesses, introduce physical, documentary, and other types of demonstrative evidence, present and challenge the testimony of expert witnexses, present opening and closing arguments, and select classroom presentation. Each student will be responsible for the preparation and trial of a civil or criminal case. These complete trials will take place before mock juries. Student performances will be judged and reviewed by other students, faculty, practicing attorneys and judges.

After this year, these courses will be taught with Counseling first semester and Trial Advocacy second semester. However, this year is considered a transition year because the new clinical course sequence was approved by the faculty after students had pre-registered for the fall semester. Therefore, to minimize disruption of students' schedule plans, Clinical Trial Advocacy will be offered first and second semesters, and Counseling, Negotiations and Litigation will be offered second semester.

SELECTION PROCEDURES FOR SENIORS

All seniors wishing to participate in the Legal Clinic Clinical Practice course must submit their names and class schedules on forms at the Clinic BEFORE NOON, FRIDAY SEPTEMBER 9th and register with the registrar.

Seniors receiving course credit will be graded according to a set of written standards which will be distributed to each student. Twice each semester, a written evaluation of each senior will be made by the supervising lawyer and discussed with the student. Students will be asked to submit written evaluations of their supervising attorneys.

NEW CLINIC ATTORNEY

Associate Professor Diane Geraghty will be on leave this year. Her replacement is John Shullenberger. John is a 1969 graduate of Northwestern Law School. He has been a legal services attorney and, since 1973, the head of the juvenile law division of the Legal Assistance Foundation of Chicago.

CASE DIGEST

SUPREME COURT TO DECIDE CIVIL RIGHTS DAMAGES ISSUE

Oral argument before the United States Supreme Court is scheduled for November in the consolidated Clinic cases of Piphus v. Carey and Briscoe v. Carey in which the issue is whether compensatory damages may be awarded for a bad faith violation of constitutional rights where there is no evidence of injury other than that of the violation itself. The District Court had found that defendant school principals should have known that it would violate due process of law to suspended plaintiff students for a month of school without a prior hearing and other procedural safeguards. Although the court found that extensive procedural safeguards were necessary for suspensions of twenty school days and that plaintiffs were technically entitled to damages for the violation, it denied plaintiffs all damages on the grounds that they had not sufficiently quantified their injuries. The Seventh Circuit reversed this decision, holding that harm is inherent in the violation of constitutional rights and that plaintiffs are entitled to damages which are not so small as to trivialize the right and not so large as to be a windfall.

PRISONER'S RIGHTS

*Mail Censorship

Oral argument was heard by the Seventh Circuit this spring in Smith v. Shimp (77-1175) regarding mail censorship of pre-trial detainees (persons awaiting trial unable to post bond). The Clinic, on behalf of pre-trial detainees at the DuPage County Jail, argued that the Jail had failed to prove sufficient threat to security to justify infringement of the detainees' First Amendment rights. The requested relief would bar Jail officials from opening or reading outgoing correspondence, and from reading incoming mail although it could be opened and inspected for contraband. The American Civil Liberties Union is co-counsel in this case.

*Religious Discrimination/Cruel and Unusual Punishment

Once again the Chapman v. Kleindeinst (Pickett) case is on its way to the Seventh Circuit. After remand from that Court, the case was retried in November in the Eastern District of Illinois in Danville. The trial court found that Chapman was a member of the Muslim religion, that his religion prevented him from handling pork, and that he was placed in punitive segregation at Marion Federal Penitentiary for a period of nine months for refusal to obey a guard order to clean pork off breakfast trays. The court concluded, however, that the defendant federal officials were immune from damages for any violation of his First Amendment rights under the standards set forth in Wood v. Strickland. Additionally, while recognizing that there was a violation of the 8th Amendment in holding Chapman in punitive segregation for so long and that the doctrine of official immunity does not apply to Eighth Amendment violations, the court ruled that Chapman was not entitled to damages on this count.

*Negligent Conversion of Property

A prisoner is seeking damages in the Illinois Court of Claims for negligent conversion of his property by prison personnel. Prior cases have allowed recovery for intentional conversion. Butler v. Illinois Dept. of Corrections.

OTHER CIVIL RIGHTS CASES

*Press Credentials

The Clinic represents a small newspaper which was denied press credentials by the City of Chicago. The suit challenges the constitutionality of the press credentials ordinance and alleges that the denial was arbitrary. New Solidarity v. Rochford (77 C 2406).

*Mental Health

In a case which was remanded from the Seventh Circuit, a three judge federal court vacated its order holding that the Illinois civil commitment statute is constitutional and set the matter for an evidentiary hearing. At the hearing, expert witnesses will testify whether psychiatrists can predict that a person will commit future dangerous acts in the absence of recent overt acts. Research included use of the medical school computer to find scholarly articles to submit to the court. The Clinic, Legal Assistance Foundation, and Cook County Legal Assistance are co-counsel representing persons who have been committed. Mathews v. Nelson (72 C 2104).

*Political Retaliation Against Public Employees Criticzing Superiors

The Clinic represents a jail guard who criticized jail officials. The federal suit charges that jail officials discipline guards who publicly criticize their administrator of the jail. Perry v. Elrod.

*Termination of Services to Juvenile Wards

Two juvenile wards of the state, represented by the Clinic and Legal Assistance Foundation, filed federal suit to prevent termination of state services to them. The complaint alleged that voluntary agreement wards were being automatically terminated from services when they reached age 18 although other wards receive services until age 21, and that no hearings were held prior to termination of the statutorily created property interest. The Illinois Department of Children and Family Services has changed its policy and now provides services to voluntary agreement wards until age 21. The notice and hearing issues are pending. Keesey v. Leahy.

EMPLOYMENT DISCRIMINATION

The Illinois Appellate Court recently decided two Clinic cases in the area of employment discrimination.

*Use of Arrest Records

The first case, Abex v. Jones (76-616) represents an expansion of the concept that an employer commits an unfair employment practice when he makes an employment decision on the basis of an employee's arrest record. Prior to the decision in Jones, the prohibition against the use of arrest records extended only to the practice of inquiring about prior arrests on a written employment application. See, Cairo v. FEPC, 21 Ill. App. 3d 358 (1974). In Jones, the Court concluded that it is an

unfair employment practice for an employer to use an employee's arrest record in any aspect of the employment relationship. Thus, the Court concluded that it was improper for the employer in Jones to fire an employee on the grounds that police had come to his place of employment to serve an arrest warrant on him.

*FEPC Jurisdiction

In a second case, Montgomery Ward & Co. v. Monroe, the Court faced the issue of whether the Illinois Fair Employment Practices Commission had jurisdiction over a charge filed more than 180 days after the alleged act of discrimination. The employee was fired in June, 1972 and simultaneously arrested and charged with theft of employer merchandise. The identification of the employee as the thief was made by a white employee who had never seen the arrestee before and who identified him on the basis of his shirt. Four longtime Black employees who witnessed a chase of the suspect through various parts of the plant individually went to the employer at the time of arrest and stated that the arrested employee, whom each knew by face, was not the person being chased. Nonetheless, the employer pursued the criminal charges and in November the arrested employee was acquitted after a trial on the merits. Shortly thereafter, he reapplied for work but the employer refused to consider his application, invoking a neutral policy which forbids reemployment of any employee discharged for theft. The employee then for the first time filed a charge of discrimination with the Fair Employment Practices Commission complaining of his initial firing as well as failure of the company to rehire him. The employer countered that the Commission lacked jurisdiction over the facts of the initial discharge because the statutory filing period had lapsed. The Commission and then the Circuit Court agreed. The Appellate Court reversed, holding that it would have been futile for the employee to seek reinstatement while criminal charges were pending and that the discriminatory conduct continued from the date of the termination until the date the employee applied for rehire. The employer has petitioned for a hearing in the Illinois Supreme Court.

*Sued for Defamation After the Filing of an FEPC Complaint

An employer alleged that our client was liable for defamation and intentional interference with a contractual relationship because of his complaint to the FEPC charging racially discriminatory hiring practices. The complaint was stricken by the trial court which dismissed the suit. The employer filed an appeal, but then withdrew it. The FEPC is investigating the use of this civil suit to discourage an employment discrimination complaint. McCue v. Calderon.

*Title VII

The Clinic has filed two federal Title VII cases on behalf of employees of the Department of Health, Education and Welfare. One involves the admitted slotting of minority and/or older persons into a particular position within the agency, not only within the Chicago region but nationwide. The second case involves failure of DHEW to promote a woman employee to a position vacancy although she received the highest score of any applicant after a nationwide search. After she filed an informal complaint of discrimination, another woman was hired for the position. Both cases are in the discovery stage.

CRIMINAL

*Hypnosis

A defendant, charged with two rapes, was unable to remember the events of those days. The Clinic had him examined by a psychiatrist who used hypnosis to break through the emotional defense mechanisms blocking recall. The state agreed to dismiss the rape charges and to a civil commitment with a specific treatment plan. People v. Ford.

*Right to Appointed Counsel Where Punishment is a Fine

This fall the Illinois Supreme Court will decide whether, under the Sixth Amendment or Illinois statute, a defendant has a right to representation by appointed counsel if indigent in misdemeanor cases punishable by imprisonment but in which the defendant was only fined after being adjudicated guilty. People v. Scott.

*Murder

The defendant is charged with the murder of a woman who was shot when a man jumped through an apartment window, shot two people, and left through the broken window. At a four day motion to suppress identification, police officers testified that the sole eye-witness had picked out a photograph of the defendant and then identified him at a line-up. The eye-witness, however, said that he never identified a picture of the defendant as the assailant, although shown pictures of the defendant five or seven times, because he was afraid. The eye-witness also said that he identified the defendant at the line-up after a friend told him not to be afraid in a conversation during which the defendant was discussed. The friend testified that this conversation occurred when the police told him to talk to the eye-witness and took him to the hospital to do so.

Another aspect of this case involves the right to counsel at a line-up. The defendant went to the police station with a Clinic 711 law student because a warrant had been issued for his arrest. The 711 student informed the police that our office represented the defendant and asked to be informed of any line-ups so we could be present. The police did not make any attempt to notify counsel of the line-up. Just before the line-up, an Assistant State's Attorney asked the defendant whether he knew of his right to a lawyer at the line-up. The defendant replied that he had already talked to his lawyer. Nothing else was said regarding the presence of defense counsel. The State argued that the defendant waived his right to counsel at the line-up. People v. Cook-Bey.

*Jury Poll/Effective Assistance of Counsel

Clinic attorneys recently argued the appeal of a criminal case in the Appellate Court of Illinois. Our client, represented by other counsel at the trial level, was convicted of murder, and was sentenced to 50-100 years in the Illinois state penitentiary. Numerous issues were raised by the Clinic on appeal including whether or not the defendant waived his right to counsel before giving a statement to police, whether our client received effective assistance of counsel at the trial level, and whether the jury's verdict was unanimous since one juror, during the jury poll, when asked whether his verdict was guilty, said, "According to the paper, yes." People v. Smith.

*Permanently Incompetent to Stand Trial

The Clinic is representing a deaf mute who four years ago, was found incompetent to stand trial in a criminal case. Our client has been confined to mental hospitals since the finding of incompetency. His doctors and consulting psychiatrists report that, because of his inability to communicate, he will never be competent to stand trial. Based on the fact that he will never be restored to competency, and on the fact that, according to his doctors, he is no longer in need of mental treatment, the Illinois Department of Mental Health wishes to release him. Because of a case a few years ago involving a deaf mute incompetent who was released for identical reasons and who, after his release, allegedly committed a murder, our client faces a rather difficult task in asserting his rights under Jackson v. Indiana, 406 U.S. 715 (1971). A petition for our client's release will be presented and argued in October.

*Effective Assistance of Counsel

Although the defendant told her appointed lawyer that she wanted to plead not guilty, the attorney told the judge that she would agree to supervision. The defendant was not asked if in fact she agreed. Clinic counsel succeeded in vacating the supervision order and having the charges dismissed. People v. Moore.

*Right to Counsel

An indigent defendant was denied the services of a public defender because he had posted a cash bond with borrowed funds. The defendant then attempted to represent himself and was convicted of unlawful possession of a firearm. The Clinic later presented a motion for new trial, which was granted, and won a directed finding of not guilty at the re-trial. People v. Johnson.

EDUCATION

*Education Law Project

In a precedent setting case recently decided by the Illinois Appellate Court, the Chicago Board of Education was required to prove that it has exhausted all less restrictive alternatives before the juvenile court may commit a child to a residential school due to habitual truancy.

Other Clinic cases litigated by the Education Law Project include the following: two cases in federal court challenging disciplinary procedures which are racially discriminatory and violative of due process; intervention in a state court case in behalf of parent's organizations to protect their right to participate in the selection of principals; a recently completed successful state court suit which required the Chicago Board of Education to provide education for handicapped children from Chicago who live in state residential facilities outside the city; a recently filed suit challenging the Chicago Board of Education's failure to comply with an Illinois statute requiring schools both to allow parents to see their children's records and to notify parents of their right to do so.

*Permanent Expulsions

The Clinic and alumni Gary Schlesinger, on a pro bono basis, represent a Lake County high school student who was permanently expelled. A Lake County Circuit Court judge denied the school district's motion to dismiss, and agreed to decide the constitutionality of permanent school expulsions.

REAL ESTATE

*Improper Assessment and Sheriff's Sale

A sheriff's sale in Freeport, Illinois was vacated recently after Clinic lawyers representing a debtor, whose property was sold for failure to pay a judgment, presented a petition. Investigation of the sheriff's sale revealed that in assessing our client's land for purposes of determining how much land should be set aside for a homestead exemption, the assessors included land in their appraisal which did not belong to our client. Had that land not been included in the assessment, it is likely that no land could have been sold because the total value of our client's land did not exceed the homestead exemption. The Clinic's work on this case included preparation of a petition and brief, a title search in Freeport, and the preparation of diagrams illustrating our point. The evidence in the case was presented in a hearing in the Freeport court, and the judge decided the case in our favor after reviewing the evidence and reading post trial briefs submitted by the parties.

CONSUMER

*Home Repair Fraud

After we were unable to locate the defendants for service of process in the pending civil suit, but learned through investigation that they were still advertising on a local radio station and using an answering service, we brought the information to the consumer fraud office of the United States Attorney where it was assigned to Northwestern alumni Scott Lasar. As a result of our investigation and the follow-up by the FBI, both defendants were recently indicted for criminal fraud. A civil judgment on behalf of our client was also obtained. Branch v. McGuire.

STUDENT EXPERIENCES IN THE CLINIC SUMMER PROGRAM

A ROUTINE DIVORCE - (OR) - JUST AN OLD FASHION LOVE SONG
by Pat Bak

I was convinced she was dead, or at least lying somewhere, cut to pieces as her husband had so often threatened to do.

On July 18th, a woman came in for what appeared to be a rather routine divorce. My client and her husband had been married in 1975. Their five year old daughter had been raised by my client's grandmother, practically since birth. The grounds, unfortunately, were not unusual either -- physical cruelty.

My client told me she had repeatedly asked her husband for a divorce. When he joined the army and was sent abroad, she saw what she thought would be an easy way out of a soured relationship. Promising to meet him in Augsberg, Germany where he was stationed, she simply never showed. Her husband apparently got some sort of emergency leave to find his wife when he was unable to contact her since her scheduled day of arrival. In addition to seeking our help in handling her divorce, my client requested physical protection. Since that original authorized leave, her husband had remained stateside AWOL -- continually harrassing her in an effort to convince her to return to Germany with him.

On July 12th, he burst into her office and snatching her out of her chair, dragged her down the stairs, her bosses helplessly following behind. From there he took her to his mother's apartment where he held her and forced her to call the Red Cross for an emergency loan for their transport back to Germany. He then had her call her office and tell her employer she was quitting. My client dialed a wrong number, pretending to speak with her office. When her husband fell asleep later that evening, she slipped out of the apartment.

The only difficult aspect of this case, it seemed, was getting service upon the military status husband. Were he stationed in the continental United States, clearly the very ritualistic Soldiers' and Sailors' Civil Relief Act would control. This defendant, however, was not only stationed abroad, but was AWOL as well. Our immediate concern, of course, was the safety of our client, so strategy turned toward getting the local MP's to get the AWOL service man in custody and off the streets.

Repeated calls to Chicago Military police, however, resulted only in three unsuccessful attempts to pick up the defendant who we suspected was hiding out at his mother's apartment. Harrassment by the defendant however continued, culminating in an attempt to take their child while she and her greatgrandmother were attending church services in Evanston.

In desperation, on July 25th, with the cooperation of the Chicago military and civilian police, my client agreed to a set up. She called her husband asking him to meet her for lunch. As they sat down at the table, he reached into his pants pocket and removed a revolver. When she asked him if he intended to use the weapon on her, he put the gun back telling her that he'd thought about it and she was just lucky that he loved her. At that moment, 1:00 p.m. the police picked up the duped defendant. My client remained in the restaurant while MP's took him outside and patted him down.

At 3:00 p.m. I received a call from the MP's who reported they would be releasing the husband within the hour. They were unable to hold him as he had not yet been AWOL for 30 days! Technically, the Army reported, he was not a deserter. What about the gun? Surely the Chicago cops had a concealed weapons charge -- something on which to hold him. What gun? They'd missed the pat down. It seemed incredible. Upon further search, MP's called back saying they did find a weapon stuffed under the seat of their patrol car. Sorry, there was nothing they could do. They would, of course, tell him to report to Fort Sheridan the next day for transport back to Germany.

At this point the whole affair seemed like a bad joke -- Army regulations. He'd have to know that she'd set him up. I called my client, advising her to leave work immediately and stay the night somewhere he would not be able to find her. On the way, she should file a complaint with the police and call tomorrow to make arrangements to take care of the still unsigned complaint for divorce and TRO.

The next morning we received a call from the MP's saying that my client's grandmother had called to report she had not seen nor heard from her granddaughter and was worried about her safety. No, he had not reported to Fort Sheridan as ordered. Calls to her co-workers revealed that my client did not leave the afternoon before as instructed. Yes, her husband did come by telling her that the MP's were downstairs waiting for him and that he wanted to give her the car. No, she did not return to work that afternoon, and no, she had not yet reported for work this morning.

I called the grandmother -- no answer -- where could she be? Calls again to MP's -- had they given the gun back to husband? No, M'am. Were they looking for him -- doing anything? You bet -- now he had violated direct orders. Calls to Grandmother again -- no answer. Calls to number given as husband's mother's apartment -- no answer. I'm imagining the worst. Calls to the Chicago Police -- Officer Doherty comes to the Clinic to discuss the case with me. Sorry, M'am, without a complaint from the wife -- nothing Chicago Police can do. Could you make personal check on husband's mother's apartment -- on the basis of a possible abduction. Sorry, no search warrant. At this point, I've become an overnight devotee of the Fred Inbau school of police training. Officer Doherty leaves.

Calls again to Grandmother -- still no answer. Calls again to his possible hide out -- nothing. Calls to her place of work -- no, they haven't heard from her. Calls to MP's -- no they haven't had a chance to check addresses given yet. Yes, will check this afternoon, for sure, M'am.

Call all Baptist Churches in Evanston. Do you know client's grandmother or where she is? -- nothing definite. Call Legal Assistance Foundation -- can battered woman's group help? Write letter to grandmother and have it personally delivered to her Uptown address. I'm your grandaughter's attorney, please call me.

July 27, 1977 -- Next morning. Call client's job again. No, she did not report for work yet today, but grandmother has called trying to contact. Call MP's for status report -- No they did not check address as promised. Let me talk to commanding officer, please. Sorry, he's off today. Secure another promise to check address today. Yes, M'am, we'll be right on it.

Grandmother calls at 9:30 a.m. She has been hiding in Evanston with greatgrandchild at fellow parishoner's house -- church lead worked. No she hasn't heard anything -- she's worried. Can you give description of defendant's car -- can you come to office -- maybe we can work with police with complaint from you.

Call client's place of work -- will employer talk to police regarding incident in office if necessary? Yes.

At about noon, great grandmother arrives with client's child. Does she know husband's mother's name? Where she works? Yes, a laundry. What laundry? Not sure. Tom calls manager of husband's mother's apartment -- explains situation -- you might just have a body in one of your apartments, would you check it out? He agrees. Returns call -- saw and spoke to husband. Manager gives his mother's place of employment. Call husband's mother. She says her son and his wife have reconciled and have left for Germany -- nothing amiss here.

Call MP's at 3:00, tell them where We found their AWOL serviceman and request that they go and pick him up, NOW. First we want assurances that he'll be held this time. Yes he'll be held in confinement. Double check to be sure. Call Chicago police -- something's happening with Military Police at such and such an address. Please assist. OK. Call building manager alerting him of arrival of police. Send grandmother and child home.

Call MP's at 5:00 -- he's in custody. What about my client? She's OK -- but not clear that she was there so unwillingly, M'am. No details. She doesn't call. I'm exhausted, relieved, but confused. I go home.

Client finally calls me at home. She's alive! What happened? He held me.

I'm one of those people who've never particularly cared for the "study of law" -- the cases, classes, everything always seemed so impersonal, so calcified. All of a sudden, things had become too personal. I was, of course, relieved my client was safe. I had actually thought she was dead those three days.

If nothing else were to come of this mess, at least, I thought, we would be able to serve the defendant while he was held in post confinement at Fort Sheridan. That also however, was not to be -- the defendant was transported to Colorado before the Lake County sheriff's office was able to serve him. From there he was scheduled to leave for Germany.

Like a bad recurring dream, on August 23rd my client's grandmother called to report that the defendant appeared the night before with my client in hand. They left after about an hour and the grandmother hadn't heard from her grandaughter since.

A call to my client's employer indicated that he'd shown up at work the day before showing my client "leave papers". No, she had not shown up for work today. Calls to the MP's indicated that the persistent husband had jumped plane in New York while enroute to Germany. He was AWOL again. The MP's search of the defendant's mother's apartment found his belongings but nothing else.

The next morning the grandmother called to tell me that her granddaughter had called at 1:00 a.m. giving her location. At about 3:00 p.m., the grandmother called again to report that the MP's had the defendant once again -- her granddaughter was safe. My client's husband had forced her to call her grandmother for cash so they could get out of Chicago. Her grandmother simply said OK, come and get it. The MP's were waiting when they arrived.

On August 26th all papers were returned to the Lake County sheriff's office for a second shot at service at Fort Sheridan. MP's reported that the defendant would probably be transported back to Colorado where he would be dishonorably discharged!! The Army doesn't want him any more than you do M'am.

The strictly legal work involved in this divorce was confined to the complaint drafted on July 18th. In the course of this one case, however, I've learned more about the practice of law than I had from anything previously.

DIVERSE, EDUCATIONAL AND SOMETIMES ENTERTAINING

By Frances Broadus

My experiences as a first-year summer intern at the Legal Clinic have been diverse, educational and at some times, entertaining. The first day I walked in, I was assigned to a supervising attorney and he then said we have to go to court. This was beyond my wildest expectation -- going to court on my first day at work to see an actual trial!! Little did I know that this was the first in a series of that often to be repeated phenomenon called THE CONTINUANCE

I became duly initiated rather quickly that an actual trial or hearing is the exception rather than the rule. The rule seems to be that you have a minimum number of three continuances before the hearing can proceed.

When we returned to the Clinic, I was assigned five or six cases to work on, all of which required various stages of research, writing, etc. I was now ready and eager to plunge into my tasks when a voice tells me: "You are on docket duty." After learning that docket duty consists of going to the court buildings and filing motions, petitions, etc., I learned that this task can be one of the day's highlights, once you have mastered the maze of elevators at the Daley Center.

After you get the Clinic and Illinois Court routines under your belt, the actual work is usually interesting. One of the more interesting cases I worked on is Arthur Perry v. Elrod et al. The suit charges that Cook County jail officials violated the plaintiff's (correctional officer) civil rights by employing various harassment tactics on the job after the plaintiff spoke out against Winson Moore and his administration of the jail. I prepared questions for a deposition which resulted in the witness giving a very damaging statement against the defendants. As a result of this statement (I assume) Elrod (Cook County Sheriff) attempted to extricate himself as a defendant. Judge Prentice Marshall refused his motion stating that, as a jail official, Elrod could be held liable if it was shown that he acted recklessly or in disregard of the correctional officer's rights.

Another interesting case I am working on is one in which our client was arrested and charged with strong arm robbery. Our client was later viewed by the victim at the scene of the crime and again at a line-up in the police station. The victim's description to the police did not match our client. The hearing on the motion to suppress the I.D. is still pending.

I am becoming somewhat of an expert in divorce cases, research skills and client interviewing and counseling. In all, I must say that the work has been both realistic and very good experience.

FROM WHEATON TO JOLIET TO BRANCH COURT TO FEDERAL COURT

by Gerry Nordgren

I was very fortunate this summer and had a wide variety of experiences while working at the Clinic. Not only did I receive a great deal of practical training, but I was able to travel around the area quite a bit as well. I went out to Wheaton twice, to Joliet and to branch court on the far southeast side of the city twice.

The majority of my time was spent working on the DuPage County jail case, where the Clinic is trying to enforce a consent decree signed last year. I volunteered for the case, having grown up in DuPage County and being quite interested in prisons. So it was that my third day at work I found myself out in Wheaton, sitting in on long interviews with prisoners at the jail. Less than a month later, I was out in Wheaton again, this time by myself and trying to act and look like a lawyer so the jail authorities would let me in to do an interview. I was successful.

I found the DuPage case eclipsed in the late summer by another class action suit, this one challenging the Illinois civil commitment statute. This involved a lot of tedious research but also interesting experiences, including being in on attorney conferences (although I discovered that working with three co-counsels is a little like being governed by a committee) and sitting in on a pre-trial conference in District Judge McMillen's chambers with Seventh Circuit Judges Pell and Tone attending.

One of my few negative impressions has to do with the Clinic's intake procedure. I found it very frustrating to turn down people after raising their expectations by interviewing them -- especially people who are on the referral merry-go-round, going from one legal aid group to another. I occasionally found it discouraging that some people at times stressed interesting cases, rather than being concerned about people's problems.

I am grateful to have had these opportunities this summer and recommend work in the Clinic to all interested.

(Clinic staff note: The attorneys share the frustration of being unable to handle the large volume of cases seeking assistance. This is a problem shared by every legal services office.)