



Northwestern University School of Law

Legal Clinic News and Notes

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357 E. Chicago Avenue

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THE LEGAL CLINIC: 25 YEARS OF GROWTH, INNOVATION, AND NEW DIRECTIONS

by Tom Geraghty

The Clinic will celebrate its 25th Anniversary in September. The goals and the operation of the Clinic have changed greatly since the doors to the Thorne Hall basement opened in the fall of 1969. In 1969 the Clinic consisted of 3 lawyers, 12 students, and a secretary. Now, the Clinical Program employs 13 teachers, supervises 65 students on cases, enrolls 65 students in trial advocacy and lawyering process courses, and has developed a coordinated curriculum in evidence, trial advocacy, and ethics with the help of 20 adjunct professors of trial advocacy. Some say the Clinic is too big; others say it is too small. Some say that the clinical program should confine itself to skills training; others say that the clinical faculty and its students, in addition to learning how to best represent clients, should examine the substance, the procedure and the institutional settings in which we practice in order to make intelligent suggestions about how courts and lawyers might do better.

I believe that our clinical program should attempt to do all of the above. The clinical program should provide the best possible experience in the supervised representation of individual clients. The clinical program should develop effective and efficient means of providing training in lawyering tasks and ethics. It should instill critical perspectives on the ways in which lawyers and legal institutions operate. Finally, the clinical program should involve students in attempts to make our system of justice work better through participation in reform litigation and other reform strategies.

In making this assertion, I know that everything about it can and will be challenged. Some believe that a law school's curriculum should focus only on developing analytical skills and understanding the substance of the law in the traditional classroom setting. Some favor heavy involvement in "skills training" but would prefer to see the law school accomplish this mission by relying on comparatively inexpensive simulation courses. Others think that the only way effectively to train law students to practice law and to understand legal institutions is to involve them in the actual representation of clients while they are in law school.

Our clinical program has been blessed with the resources and the personnel to expose our students to all
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of these teaching methodologies. Under the leadership of Steven Lubet and Robert Burns, we have developed an absolutely marvelous approach to the teaching of ethics and lawyering skills. Steven Lubet has created an exciting and effective Program on Advocacy and Professionalism which involves students in innovative simulations designed to teach the skills of interviewing, fact gathering, pleading, discovery, motion practice, negotiation, and courtroom advocacy skills. Robert Burns has developed an Evidence Course in which evidence is taught through the use of problems that are designed to give students a better understanding of evidentiary rules. Perhaps Bob's and Steve's most impressive innovation so far has been the creation of courses in trial advocacy, evidence, and ethics which are coordinated and which rely on problem solving. Bob Burns' new Ethics course, in particular, shows the promise of being the most effective way to teach legal ethics. Assisting in the development of these courses has been our dedicated group of adjunct faculty, many of them Clinic alumni, who unselfishly devote many hours to help us make these courses come alive.

Steve's and Bob's work has, as its objective, the education of more highly skilled, motivated, and ethically sensitive lawyers. We are trying to improve the performance of our future lawyers in these areas. In the "real case" division of our clinical program, we are also trying to make lasting improvements in our legal system. As far as any proposed "reform mission" is concerned, however, some argue that it is inappropriate for a law school program to become involved as an advocate in reform efforts. After all, the argument goes, if the Clinic can become heavily involved in, for example, juvenile court reform, why couldn't a law school faculty which wanted to ensure that all interest groups were represented demand that the clinical program devote some of its resources to support the activities of the N.R.A. or anti-abortion groups? This is a debate that is ongoing at the Law School. It is a debate that is taking place in universities, law schools, and clinical programs around the country. The question posed by this debate over the role and functions of clinical programs is really part of a larger question: should universities be involved in efforts to improve the functioning of institutions within their communities?

This issue raises serious questions. If the university becomes involved in so-called "reform" activities, will it devote less attention to scholarship and teaching? How does the university go about stepping beyond its traditional role of studying and analyzing institutions to work for reform without becoming entangled in political battles? The problem is how to define a "reform" agenda that involves implementation but ensures objectivity and constructive contributions.

I don't have the answers to these difficult questions. I do, however, have some "reactions" to the question of how the university-affiliated law school clinical program should respond to dysfunctional court systems, disciplinary bodies which lack courage, and state agencies which, instead of providing service to needy citizens, do them damage. First, we should provide our clients whose destinies will be determined by those courts, disciplinary bodies, and agencies with the best possible representation in their individual cases. This models the highest standards of legal representation for our students. Second, we should engage our students in a dialogue about how those courts and agencies perform and how their performance could be improved. But implementing the first and second answers without modeling action designed to solve the problems discussed does not, in my view, go far enough. It does not go far enough, because it suggests to our students that things must always be the same and that there is no hope for better institutional response in the future. I am not saying that, in all cases, I know what the "model" of action should be. I merely argue that we should encourage our students to be problem solvers in the largest and most important sense--so that our students will become interested in fashioning alternative

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FACULTY NOTES

Annette Appell has just completed her first year as an attorney with the Children and Family Justice Center of the Clinic. In addition to teaching and supervising students, she has been active in reform efforts relating to the Juvenile Court of Cook County and the child welfare system. She served on the Adoption Reform Panel for B.H. v. Suter, a comprehensive lawsuit brought by the American Civil Liberties Union against the Illinois Department of Children and Family Services. She was also chosen to be a member of the Adoption Advocacy Team for the Cook County Juvenile Court and she has continued her work on several bar association committees for reform of the court. Annette also appeared on the national television show "CNN & Co." in September 1993 to discuss the highly publicized Virginia lesbian custody decision. More recently, portions of an interview with her about the Juvenile Court and the Cook County Public Guardian were broadcast on National Public Radio in January 1994. Annette was counsel for four amici curiae, Children and Family Justice Center, the Citizens Committee on the Juvenile Court, Voices for Illinois Children and Illinois Action for Children, in a case before the Illinois appellate court arising out of the trial court's removal of an infant

from her parents' custody prior to hearing any evidence.

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Alberto Manuel Benitez supervises students in the representation of clients in unemployment insurance, landlord/tenant, and political asylum cases. This spring, he and fellow clinicians Cheryl Graves and Zelda Harris are teaching the Law and Public Interest Seminar. All three clinicians are former legal services attorneys, and the seminar is designed to introduce law students to the law's impact on low-income clients, who tend to be persons of color and often non-English speaking. Topics to be covered include domestic relations, housing, immigration, and criminal law and procedure.

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In addition to her teaching responsibilities, **Cynthia Grant Bowman** served as the moderator and discussant for a panel on "Advocacy, Lawyering and Clinic in the Community," at the Third International Conference on Lawyers and Lawyering, held at Lake Windermere, England in July 1993. She was also the chairperson, moderator and discussant of a half-day program, "For and About Women Clinicians," held at the 1993 Midwest Clinical Teachers Conference in Chicago in October. In December 1993, Cynthia's book, *Cases and Materials on Feminist Jurisprudence: Taking Women Seriously*, coauthored by Profes-

sors Mary Becker of the University of Chicago Law School and Morrison Torrey of DePaul, was published by West Publishing Company. Cynthia's 1993 Harvard Law Review article on legal remedies for street harassment of women also continued to attract a great deal of attention in the media. Cynthia appeared on Connie Chung's CBS-TV newsmagazine show in August 1993; on CNN Spanish-language TV in July 1993; and on CBS radio to debate and answer call-in questions about street harassment on July 23, 1993. After her article was mentioned several times in the Time Magazine issue on "Sexual Correctness," Cynthia was invited to author an opinion piece in USA Today, which appeared in December 1993, entitled "Has Sexual Correctness Gone Too Far? No!"

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Bruce Boyer has continued his work as supervising attorney of the Children and Family Justice Center's Family Advocacy Project. In addition to his individual casework, he has worked to expand the Center's voice as a critic of the Juvenile Court and an advocate for Court reform. Together with the project's two other attorneys, he has worked on several projects in which the Center had acted as friend of the court, addressing issues such as the proper standard for terminating parental rights and the appropriate role of hearing officers in the Juvenile Court. Bruce has

also worked on several panels addressing reform of the Department of Children and Family Services regarding issues such as case record management and automated data systems.

Since September 1993, with the support of the Annie E. Casey Foundation, he has also devoted considerable attention to an evaluation of information management in the Juvenile Court as part of an effort to improve the quality of information about the children and families processed by the Court. Last fall, Bruce was elected for a second term as a member of the Board of Governors of the Chicago Council of Lawyers. He is currently helping to team-teach the newly-structured Ethics class organized by Bob Burns.

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Steven Drizin is completing his third year as a Clinic Fellow and has assumed the position of the Supervising Attorney of the Children and Family Justice Center's Juvenile Advocacy Project. In addition to his work as a Clinic attorney and supervisor, Steve has also participated in the continuing effort of the Center to reform the Juvenile Court. Currently, he is a member of a court-sponsored committee to reform the rules of practice governing juvenile delinquency cases in Cook County. He has served on the Task Force of the Annie E. Casey Foundation's Alternatives to Detention Project and participated in Tom Geraghty's work as a member of the Solovy Commission's Juvenile Justice

Task Force, and he is also a member of a national ad hoc coalition of juvenile justice advocates concerned about the effect of many of the provisions in the pending United States Senate crime bill. Steve has also testified at state legislative hearings against the expansion of laws to automatically transfer juveniles to the criminal courts for trial. For the past eight months, Steve has served as the vice-chairman of the Chicago Bar Association's Juvenile Law Committee.

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John S. Elson presented a talk on curriculum reform and the ABA's Report on Legal Education and Professional Development at the Midwest Clinical Teachers Conference in October. As Chair of the American Association of Law Schools' Teaching Methods Section, he presided over the Section's program at the AALS annual meeting in January at Orlando, Fla. He was also a member of an ABA-AALS site evaluation team for the University of San Francisco School of Law in November. His Clinic litigation this year has largely focused on three areas: domestic violence cases, defending female divorce clients against their former attorneys' financial and sexual exploitation, and seeking greater special and regular educational opportunities for Cook County Jail pre-trial detainees under 21 years of age.

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Northwestern University Class of '38 graduate, **Arthur Freeman**, retired senior partner and currently senior counsel of the Chi-

cago law firm of Schwartz & Freeman, is now a Pro Bono assistant to Tom Geraghty, Director of the Clinic, in the representation of clients who have been charged with or convicted of various crimes. During the last six months, Arthur has participated in the trial of a Juvenile Court transfer case involving a 14 year old alleged murderer, contributed to the drafting of a petition to the Illinois Appellate Court seeking the reversal of a Juvenile Court Transfer Order, and interviewed numerous witnesses in preparation for a Motion and Hearing in the Circuit Court on behalf of a client whose conviction for murder has been affirmed by the Illinois Supreme Court. Currently he is supervising students enrolled in the Clinic program with respect to appeals in several criminal cases. He was recently appointed Adjunct Professor of Trial Advocacy by the Dean and very much enjoys his re-alliance with the Law School.

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Tom Geraghty just completed a three year term on the Association of American Law School Accreditation Committee. This committee reviews the reports of site evaluation teams sent to member schools and makes recommendations to the Executive Committee of the A.A.L.S. regarding continuing accreditation by the Association. Tom's participation in the work of the Accreditation Committee was quite valuable, because it provided the Clinic with information about how other schools conceptualize and organize their clinical pro-

grams. Tom was recently appointed to the planning committee for the A.A.L.S.'s workshop on clinical education to be held in May 1995. Tom, along with Bernardine Dohrn, was a member of the Solovy Commission's Task Force on Juvenile Justice, which in December issued a report on juvenile justice in Illinois. The Report identified problem areas and proposed solutions, many of which could be adopted without considerable expense. Tom is also a member of the Governor's Task Force On the Wallace Case, a task force charged with the responsibility of making recommendations to the Governor regarding the training of Department of Children and Family Services and Department of Mental Health workers who provide services for families in crisis. Tom also served on a task force appointed by the Department of Children and Family Services to study the training needs of DCFS. In addition, Tom was active in the Chicago Council of Lawyers drafting of a report on the operation of the Seventh Circuit. The Council's report will be published in the DePaul Law Review in May.

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Nancy Gibson and **Laura Miller** continue to work in the area of special education law. They recently obtained a three-year U.S. Department of Education Title IX grant to expand the Clinic's Special Education Project until August 1996. In addition to representing clients in individual and systemic cases, the project will expand over the next three years

to represent children with disabilities involved in delinquency proceedings, suspension and expulsion hearings, child support cases and social security benefit cases. In November, Nancy attended LRP Publications' conference on Full Inclusion of Children and Youth with Disabilities in Community Schools. Laura continues to be active on the Attorney General's Disability Rights Advisory Council and recently joined a work group in the Interagency Authority on Residential Facilities for Children. In November, she gave a lecture for the Legal Clinic for the Disabled's training program for volunteer attorneys.

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Cheryl Graves joined the Clinic in June 1993 as an attorney with the Juvenile Advocacy Project of the CFJC. She developed the Women's Health Initiative Project, a course for young women at the Cook County Juvenile Detention Center, involving NU medical students and the Chicago Women's Health Center.

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Zelda Harris became a Clinical Fellow in August 1992 and works with the Family Advocacy Division of the Clinic's Children and Family Justice Center. She is a 1991 graduate of Washington University School of Law in St. Louis. Prior to joining the Clinic, Zelda was a staff attorney at Land of Lincoln Legal Assistance Foundation in Alton, Illinois, where she specialized in child custody, divorce, domestic violence and civil litigation. She

currently serves on the Juvenile Committee of the Chicago Bar Association and sits on the Advisory Council and the Board of the Children and Family Justice Center. Zelda also co-teaches a seminar in Law and the Public Interest with Clinic attorneys Alberto Benitez and Cheryl Graves.

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Fall 1993 saw the publication of **Steve Lubet's** long-awaited trial advocacy book, *Modern Trial Advocacy: Analysis and Practice* (NITA, 1993). *MTA*, as Steve calls it, will be the basic text for all of the courses offered around the country by the National Institute for Trial Advocacy. In addition to being used at Northwestern, *MTA* has already been adopted at many other law schools. Steve has continued to teach in many NITA programs.

During the last year, Steve directed and taught the first-ever simulation courses in Hong Kong and Jerusalem. Steve says that the highlight of his 1993-94 academic year, in addition (of course) to working with Northwestern students, will be teaching a new, clinically-based Legal Ethics class with Bob Burns and Tom Geraghty. The class will be offered as a third component of the *Clinical Trial Advocacy/Evidence* sequence.

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Monica Mahan, The Children and Family Justice Center social worker, joined us in September 1993. For the past seventeen

years, she was the executive director of a community-based youth service agency; she has also worked at the Christopher House and the Illinois Department of Children and Family Services since receiving her MSW from Loyola University School of Social Work.

Six social work students from Loyola are doing their field placement at the Center under Monica's supervision. The law and social work students are teamed with the attorneys to assess the social service and legal issues of the families who are involved with the juvenile justice system. This is an excellent opportunity to train students to respect and complement one another professionally and to work together toward the common goal of assisting these families through a juvenile court system that often appears confusing and dysfunctional.

Social work and the law need to forge alliances, particularly in juvenile and family legal/social situations. The addition of a social service component to the Children and Family Justice Center benefits not only our clients but also the students as they enter practice in either discipline.

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Peggy Slater, lawyer/researcher, is completing a report sponsored jointly by the CFJC and the John Howard Association on the conditions and practices at the youth centers run by the Juvenile Division of the Department of Cor-

rections. The report focuses on recommendations for systemic change aimed at more effective and efficient use of the facilities, in view of the growing number of commitments and shrinking resources available to the Juvenile Division, and includes reports on each of the six individual youth centers. Peggy is also researching representation of parties in abuse and neglect cases in fifteen jurisdictions across the country.

Peggy co-chairs the CBA Juvenile Law Committee's subcommittee on Permanency Planning. She has been instrumental in the creation of a program arranging for and expediting adoptions of wards of the Juvenile Court who are in private guardianship with relatives. These cases are transferred from the Juvenile Division to the County Division and assigned to trained volunteer attorneys. Thirteen adoptions have been completed to date with many more in progress. The program is expanding to include children in the guardianship of DCFS. If any of you would like to volunteer legal services in this program, please call Peggy at 312/503-0350.

Broadway at the Legal Clinic !

by Angela Coin, Class of '95

A lively group of law students began dedicating their energy and efforts this semester toward the

production of a play to benefit the Legal Clinic summer intern program. On February 18, 1994 a production of *Juvie* by Jerome McDonough was performed in Thorne Auditorium. The purpose of the performance was to raise awareness for Clinic projects and to donate proceeds from the production to help fund Clinic summer internships for first and second year students. The production exceeded these goals by not only introducing some truths of the criminal justice system to an attentive audience, but also by demonstrating the talent and ability of many members of our student body.

McDonough's play introduces twelve children in a juvenile holding cell and explores the circumstances of their lives that have led them to jail. The characters share their personal stories with the audience, revealing the true feelings that children like these so often need to communicate but so rarely do. The result is a balanced montage of scenes and stories that teaches its audience about a world they might never have explored.

The production was successfully performed for law students, professors and staff and was warmly received. Cast, crew and audience alike discovered a whole new side of the legal issues and facts the Clinic staff addresses every day. An encore has tentatively been scheduled during the 25th Anniversary of the Clinic this fall. The cast, crew and Clinicians hope to see you there!

From A Student's Perspective

by Maria Stewart, Class of '94

I began working at the Clinic in May 1992 following my first year of law school, and I have taken Clinic as a class each semester since then. During my two years with the Clinic, my supervisor has been Alberto Manuel Benitez, whom I have come to consider my mentor. Over time, a variety of legal issues have presented themselves, none of which can really be considered to be "sexy" or glamorous. I have never had the opportunity to visit the Supreme Court in Washington D.C. nor had the privilege to see the Illinois Supreme Court in session. The clients I have helped have never appeared on TV news or the front page--or even the back page--of the daily newspaper.

Why have I bothered to point out the above? My reason is simple. The Northwestern University Legal Clinic has literally provided legal representation of the last resort to the clients with whom I worked. Without the Clinic's assistance, a senior citizen, involuntarily laid off, would not have received the unemployment insurance benefits to which he was entitled; a Salvadoran immigrant, whose husband was beaten to death in front of her eyes, would not have been granted the political asylum she so desperately needed; a Chicago Housing Authority tenant whose son was severely beaten by security guards, would not have avoided unjust eviction; and at least three Pilsen-area battered women would not have been able to secure restraining orders against their batterers.

I have personally worked on the cases I have just described, and I was able to secure successful out-

comes in each of them. To those who might say that there are enough legal aid services to assist these type of clients, this is simply not the case. While there might be sufficient legal aid available for the highly visible pro bono cases, the fact remains that without the incredibly important work of the Clinic many individuals with legitimate needs for legal assistance would have to go without such aid.

It is important to note that the services provided by the Clinic, beyond being vitally necessary, consist of top-notch legal work. The instructors at the Clinic are among the best and most dedicated attorneys in Chicago. It is not uncommon to see them at work at the Clinic's offices until all hours of the night and on the weekends.

Coincidentally, a few days before I began writing this piece, at around 8:00 p.m., I stopped by the Clinic to pick up some papers I had left and Cheryl Graves, one of the instructors, was still hard at work. Through such dedication, these instructors enable the Clinic to provide a unique combination of necessary legal services, superior legal work, and true "hands-on" experience for the students.

It may be true that in some sectors of the legal profession, Clinic work is viewed as uninteresting and insignificant. In fact, it has even been suggested to me that I take a trial advocacy class in lieu of working with the Clinic. Yet I have continued working with the Clinic for the past two years precisely because of the hands-on experience which no other

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CLINICAL ETHICS: A New Approach to Teaching Legal Ethics

By Bob Burns

Some years ago while teaching with the National Institute for Trial Advocacy, Northwestern clinicians noticed that many young lawyers had very little contextual understanding of the law of evidence. Apparently they had passed written tests on evidence rules, but they could not speak the language of the courtroom within the requirements of the rules and could not recognize violations of the rules and interpose proper objections during trial. It was like knowing all the grammar rules of a language you could neither speak nor understand. We concluded that part of the fault lay with the lawyers' introduction to the subject in law school.

We were also often frustrated in teaching Trial Advocacy at the Law School by insufficient time to address the evidentiary issues that arose in the exercises students performed. The clinical method employed in the Trial course often sharpened students' interest in those issues, but there was just too much else to do in that course to allow us to focus on the Law of Evidence.

To solve both problems, we created an Evidence course that was closely coordinated with Clinical Trial Advocacy. The two courses continually reinforce each other. The students put into practice the doctrinal notions learned in Evidence, and the Evidence course provides an opportunity to focus at greater length on the evidentiary issues that arise in C.T.A. exercises. The experiment has gone on for about five years now, and we are happy with the results. One small indication of its success is the National Championship in Trial Advocacy that graduates of the program won two years ago. *(continued at top of p. 9)*

UPDATE: THE CHILDREN & FAMILY JUSTICE CENTER

by Bernardine Dohrn

Juvenile Court is in crisis and, after years of invisibility as the stepchild of the Circuit Court of Cook County, its disarray is becoming a public scandal. The Children & Family Justice Center of the Northwestern University Legal Clinic has taken the lead in advocating for needed reform of the Juvenile Court. The Center's six attorneys, three researchers, social worker, director, administrator and secretary work with twenty-five law students and seven graduate social work students each term to serve youngsters and their parents through direct representation, research, and advocacy. The Center was established in 1992 as a multidisciplinary clinical program focused on the reform and improvement of the Juvenile Court and fueled by a determination to convert our court, the first Juvenile Court in the world, into an outstanding institution. The Center staff shares a commitment to improving the quality of justice at the Juvenile Court despite an immense frustration with the workings of a system that has come to be viewed widely as a source of embarrassment for Chicago.

Judges in neglect and abuse courts now carry an average of over 3000 active cases; delinquency judges carry some 1500 active cases each. To break this down, assuming each judge spends a generous average of 1500 hours per year on the bench, this means that each neglect/abuse case can expect to receive, annually, between 20 and 30 minutes of attention from the Court. The consequences of asking judges to handle caseloads so high as to be inconceivable in any other court are many, varied, and universally negative. A recent Center case illustrates but one of these consequences. *(continued on bottom of p. 9)*

(Clinical Ethics continued from p. 8)

Our experience in teaching Ethics and reflection on the ethical difficulties that attorneys face led us to think that similar methods would be effective in Professional Responsibility. In continuing legal education programs, the workshop on Ethics is often by far the most animated session. By contrast, many law school teachers have found students disengaged from the important issues discussed in the class. One reason for that, we thought, was that the problems of professional responsibility were detached from most law students' current experience. Second, we thought that at least some of the ethical problems that practicing lawyers become embroiled in may be a function of an inability to "see" an ethical issue when it arose in a concrete situation, much like a young trial lawyer's inability to "see" an evidentiary issue when it arose at trial.

And so, with a grant from the Keck Foundation, we have designed an Ethics course that employs the learning-by-doing methods that have proven so successful in clinical education and in the programs of the National Institute for Trial Advocacy. Students are required to interview and counsel clients, engage in negotiations and discovery practice, conduct direct and cross examinations, and deliver opening statements and closing arguments in exercises that raise the most common and the most challenging ethical issues that practicing lawyers face. Actors play the parts of clients and witnesses in order to achieve a higher degree of realism. Each exercise is thoroughly "debriefed," usually in a mock disciplinary hearing followed by a discussion of the problems. The method allows for an experience of the human dimension of the situations in which disciplinary rules apply and a perspective from which to think critically about the law.

The course is also coordinated with C.T.A. and Evidence. For example, the Ethics course considers confidentiality when Evidence deals with the privileges. The course considers the ethics of cross examination when students are performing impeachment exercises in C.T.A. and studying the evidentiary law relating to impeachment in Evidence.

It's too early to assess the ultimate results. So far, so good

(Children and Family Justice Center continued from p. 8)

Bruce A. Boyer, supervising attorney at the Center, represented a twenty-three year old mother of three children, two of whom are currently the subjects of dependency proceedings at the Juvenile Court. These cases were opened after this young mother, who was terminally ill with lupus, became too sick to care for her children and was hospitalized. At a brief court hearing, which she was too sick to attend, her children were taken away from a responsible family member and legally turned over to the Department of Children and Family Services ("DCFS"), by a court that had learned nothing of the family. The two children, ages 1 and 4, were placed in foster care with a stranger.

When Mr. Boyer and Clinic students first appeared for this client in Juvenile Court, they asked for an immediate order allowing the children to stay with their aunt. The Juvenile Court Act treats these types of requests--to modify a temporary custody order--as relative emergencies, requiring that hearings be held within fourteen days. Yet because he was unable to find time any sooner to hear the case, the judge set a hearing date almost two months later. When counsel objected to the delay, the judge stated that the legislators who wrote the law were unaware of the size of the Court's caseload. *(please turn to p. 10)*

(Children and Family Justice Center continued from p.9)

The young mother could not wait for the court to find time. Twenty days after the Center's motion was filed, she died. At the time of her death, her children remained in the limbo of foster care. Days later, DCFS voluntarily moved the children to the home of their aunt. Yet as she was dying, this mother did not know whether her children would be raised by close family members, or whether they would grow up in foster care.

We cannot fault the judge who handled this case. Under current working conditions, the job we are asking Juvenile Court judges to perform is an impossible one. Justice cannot be found in a system that allots only twenty minutes per year to hear and decide cases that are among the most complex and intractable in our court system. Many things will be required to change what is now an embarrassment into an even minimally adequate court system, but time to hear cases that require significant attention is clearly indispensable. If there were any doubt of this before April of last year, then surely the unnecessary death of Joseph Wallace confirms the need for our courts to pay better attention to its wards.

In its first year, in addition to working with students on the direct representation of children and parents, the Center drafted and filed four appellate briefs and four amicus briefs. Two classroom components on children's law--one on child welfare and one on juvenile justice--for students enrolled in Clinical programs are taught each semester, and curricula for each classroom component have been developed.

Research work has included participation in drafting of the Juvenile Justice Report of the Illinois Supreme Court Special Commission on the Administration of Justice ("Solovy Commission"); preparation of a report on the death of Joseph Wallace and testimony before the Wallace Commission; site visits to and a report on the six Illinois Department of Corrections facilities for juveniles, in collaboration with the John Howard Association; research and testimony on Illinois' automatic transfer laws for juveniles; preparation of a history of Juvenile Court reform efforts in Cook County; papers on the coincidence of domestic violence and child abuse; and participation in the writing and implementation of the American Bar Association's *America's Children at Risk: A National Agenda for Legal Action*.

The Center co-sponsored a working conference, "Beyond Rhetoric: Determining the Best Interest of the Child" in September 1993, attended by 400 local attorneys, judges, social workers, and community service representatives. Plans are underway to publish the proceedings of the conference and to plan for a conference in the late spring of 1994 on Young People and Violent Crime. Plans are also underway to prepare and host the first National Institute for Trial Advocacy training program on juvenile law for judges and attorneys in juvenile courts across the country, as well as practitioners in Cook County.

Center attorneys have presented testimony at legislative committees of the Illinois House and Senate, at the Cook County Board and at federal Health and Human Services hearings on child abuse deaths. Steven A. Drizin, supervising attorney for the Delinquency Division, has served as vice-chair of the Juvenile Law Committee of the Chicago Bar Association. Others are actively involved in the American Bar Association Litigation Section Task Force on Children, the Justice for Youth Steering Committee, the Board of the Chicago Council of Lawyers, and the Chicago Conference of Black Lawyers.

Center attorneys participated in the Juvenile Court Rules Committee, initiated by the Presiding Judge of

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the Juvenile Court, Sophia H. Hall, to draft Juvenile Court rules and standard orders for both abuse and neglect and delinquency proceedings. Attorneys and law students have initiated and co-sponsored a campaign to prevent cutbacks to the school in the Juvenile Temporary Detention Center and have served on the task force of the Annie E. Casey Foundation's Alternatives to Detention Project. Center attorneys and students have also created a Women's Health Initiative with the participation of Northwestern University medical students and the Community Women's Health Center, which works with the girls at the Juvenile Temporary Detention Center on health-related and self-esteem issues. The Center has also received a one-year grant from the Annie E. Casey Foundation to further the development of a coordinated and useful management information system for Juvenile Court and its related entities.

Fundamental transformation of the Juvenile Court will require long range planning and consideration. To that end, the Center is conducting research on the representation of parties in other Juvenile Courts across the country, analyzing the Cook County Juvenile Court budget and funding streams for services for children and their families, and sponsoring symposia on developments in unified children and family courts in other jurisdictions.

SOCIAL SECURITY DISABILITY PROJECT ALIVE AND WELL AT THE CLINIC...but always in search of volunteer attorneys

Thanks to the combined efforts of first, second, and third year students and many members of the Chicago legal community, the Legal Clinic's Social Security Disability Project continues to serve an important function in the community by offering free assistance to Social Security applicants at the oral appeal level of their application. We structure our project so that students at their own level of expertise and introduction to the law can best contribute to the legal aid of Social Security applicants who have found themselves unable to maneuver through the maze of Social Security Administration rules, regulations and requirements on their own. In teams of two, first year students act as the direct contact to the applicant under the guidance of the second or third year students who have handled cases of their own in the past and are well versed in the language and structure of a proper Social Security appeal. Volunteer community attorneys serve as a direct source of information and guidance for the teams of first year students who are directly assisting the client.

An overwhelming number of first year students have

demonstrated interest in taking on a client this year. Of course, our dedicated Clinic staff capably manages the intake of potential cases, and the Clinic itself serves as a valuable source of both written resources and experienced attorneys who offer a helpful word whenever necessary. The only unfortunate result of so much interest from students and applicants is a serious need for practicing attorneys from the Chicago legal community to advise our student pairs. The project cannot assign cases to all interested students without offering the benefit of a practiced attorney to guide each team as they learn about the Social Security system and their applicant's case.

We welcome participation from alumni and others who have interest and any experience in Social Security law or would like to develop an interest. If anyone is interested in becoming a volunteer advising attorney, please feel free to *contact Angela Coin*, Class of '95, at the Legal Clinic, (312)503-8576, and indicate that you are a volunteer attorney. Your interest and expertise will be very much appreciated by our clients, students, and staff.

SELECTED CLINIC CASES:

A Status Report

Abuse and Neglect

We appealed the **Angela S.** case, described in last year's newsletter, to the Illinois Appellate Court. The primary issue in that case was whether a parent can decide who will adopt her child or if she can only surrender her child to a child welfare agency which can then place her child anywhere. The case was complicated by statute of limitations issues and a troubling court record made by Angela's attorney at the time she relinquished her child. Third year law student Peter Koch drafted the reply brief and argued the case before the appellate court in December 1993.

We are representing **Israel O.**, a Chicago native who has been incarcerated in New York state for nonviolent crimes since late 1988. Shortly after his arrest, his partner and the mother of his daughter, **Mirage**, moved back to Chicago with **Mirage** and her two brothers to whom **Israel** was a father figure. Although **Israel** tried to stay in touch with his family, he lost contact with them and the children were subsequently removed from their mother by the state. No one bothered to tell **Israel**. Indeed, there were no attempts to locate him until two years after the children were taken into state custody.

Mirage's mother died soon after. Once **Israel** was found, the state tried to terminate his parental rights but failed to serve him or otherwise notify him of the procedure. **Israel** found us from New York and we were able to vacate his default. The state finally withdrew the petition to terminate his parental rights in response to our motion for summary judgment. Currently, **Israel** has re-established contact with **Mirage** and we are assisting him in establishing contact with her oldest brother who is incarcerated in Colorado for a juvenile offense. (Law Students: Gordan Kroft and Sandy Wang)

We represent **Gloria J.** who has suffered from post partum mental illness. Two of **Gloria's** children have been placed with DCFS. **Gloria** was successful in regaining custody of her youngest daughter, but DCFS refused to consider returning the older daughter because the foster mother has wanted to adopt her since shortly after placement. DCFS now claims that **Gloria** is an unfit parent, despite the fact that, with the sanction of the court, **Gloria** is adequately parenting her other daughter. We are defending **Gloria** in the trial to terminate her parental rights to her older daughter. The trial has been commenced and continued. (Law Students: Jill Andrews, Maureen Lynch and Patricia Rim)

We are representing **Jo Ann C.** in her attempt to regain custody

of her younger daughters (who are six, seven and twelve) and defeat the neglect charges which were filed against her by the person who would become her children's attorney. **Jo Ann's** family was brought to the state's attention when her girls returned home from school and **Jo Ann** was not home. Because the girls were not at risk, DCFS did not take custody or even bring the case to court. Nevertheless, several months later, **Jo Ann's** twenty year old daughter and **Patrick T. Murphy**, the Cook County Public Guardian, appeared on a talk show during which they made numerous false allegations about **Jo Ann**. Mr. **Murphy** then filed petitions alleging that the three younger daughters were neglected and succeeded in convincing the court to remove the girls from **Jo Ann's** custody despite the fact that they have thrived in the care of their mother and are very attached to her. Since being removed, the girls have been in a shelter and at least three foster homes, in one of which they were abused. In addition to law students, the case is also staffed by a social work student who has been instrumental in assisting **Jo Ann** connect with appropriate services to get her children back. (Law students: Bryan Segal; Social work student: Jim Collins)

We represent **William S.** whose five children (two of whom are not legally or biologically his) were removed from him and his

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partner of thirteen years, their mother Donna, after an altercation between the two. William had a drug problem but has successfully completed treatment and has been sober for at least two years. We assisted William in obtaining an apartment for him and the five children and were able to convince DCFS and the other parties to return all five children to him. The kids are thrilled to be back home and have integrated well into the community. We are hoping to have the case closed this spring. Although Donna has not been granted custody, she is still an integral member of the family, visits about four times per week and assists in the care of the children. (Law Students: Bryan Segal, Patricia Rim and Stacey Sherr)

Criminal

Clinic attorneys and students will try a murder case, **People v. Angel Hood**, in March. This is the defendant's fourth trial. The first ended with a hung jury. At the second trial a mistrial was declared after the investigating police officer violated a court order prohibiting him from mentioning the results of a lie detector test. The defendant was convicted in the third trial, but the conviction was reversed when the Illinois Appellate Court sustained the defendant's claim that the prosecutors in the case intimidated and unfairly cross-examined a defense witness who witnessed the murder and testified that our

client was not one of the perpetrators.

Death Penalty

The Clinic represents three condemned prisoners. Each of the cases presents issues involving the adequacy of trial counsel. In **People v. Leroy Orange**, the defendant's trial lawyer failed to file a motion to suppress the defendant's statements even though his client told him that he had been the victim of electroshock during interrogation by the police. In addition, while representing the defendant, trial counsel was facing numerous disciplinary complaints brought by previous clients. Finally, defense counsel presented no mitigation witnesses at the defendant's sentencing hearing. The Clinic's post conviction petition on behalf of Mr. Orange was dismissed. The case is now on appeal in the Illinois Supreme Court.

The validity of a guilty finding and a death sentence imposed by a corrupt judge is at issue in **People v. Dino Titone**. The defendant alleges that his attorney and the trial judge conspired to extort payment to the judge for a not guilty finding. This scheme was hatched just before the Operation Greylord investigation was made public. The defendant alleges that the judge, fearing that his scheme might become known to the F.B.I., found the defendant guilty and sentenced him to death. The judge in Mr. Titone's case was recently convicted in federal

court for extortion schemes similar to that alleged by Mr. Titone.

The dilemma of what defense counsel should do when presented with a client who seeks the death penalty is raised in **People v. Kinkead**. In that case, the defendant was offered a natural life sentence in return for a guilty plea to one count in the indictment. The defendant rejected the offer, demanding that he be allowed to plead guilty to all of the counts in the indictment. A sentencing hearing was then held in which the prosecutor asked for the death penalty and in which the defendant's lawyer argued against imposition of death. The judge imposed the death penalty. Students working on this case discovered that at the time he insisted on receiving the death penalty, the defendant was on a daily regimen of thorazine. This fact was not known by the judge, by defense counsel, or by the prosecutor at the time the defendant sought the death penalty.

These cases provide students with the opportunity to scrutinize the process which leads to imposition of the death penalty with particular focus upon the role of counsel in these most serious of cases.

Delinquency

We represent juveniles charged with the less serious offenses and more. With respect to the less serious offenses, we seek to demonstrate that many of these cases

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can be or should have been diverted from the Juvenile Court in the first place. With respect to the more serious offenses, we aim to ensure that these juveniles receive and benefit from the rehabilitative services provided by the Juvenile Court, and through the assistance of our social worker and her students, we aid the probation department in finding suitable alternatives to placement in the Department of Corrections for those adjudicated delinquent. In most of the cases in which we represent juveniles charged with serious offenses, the State has first filed a petition to transfer these minors out of the Juvenile Court for trial in the criminal courts. We represent these juveniles in both their transfer hearings and in all subsequent proceedings in Juvenile Court.

In conjunction with Clinic attorneys from the Special Education Project, we also represent juveniles with educational disabilities who have been charged with offenses. With respect to these children, we seek to provide services which will address our clients' educational deficits. These deficits are often closely linked to the behavior that originally brought them into court.

Damien W. was a fourteen year old who was charged with aggravated assault for allegedly pointing a handgun at a neighbor during a celebration following the Bulls championship. Clinic students Kathleen Michon and Andrew Cores interviewed witnesses and were successful in

obtaining a signed and written statement from the State's complaining witness. The two students participated in every aspect of the trial, presenting opening statements, cross-examining the State's complaining witness, conducting direct examinations of an eyewitness and a character witness, and giving a closing argument. Damien was acquitted of all charges.

Kurt, Matthew, Joshua, and Larry V. are four brothers, aged thirteen to sixteen, who were charged with a variety of offenses in Juvenile Court, ranging from residential burglary to robbery. Under the supervision of Clinic attorney Cheryl Graves, Clinic students Michele Giffels and Chris Lind worked on all aspects of the case. They interviewed witnesses, drafted discovery motions, counseled clients during plea bargain negotiations, and worked closely with Monica Mahan, the Clinic's social worker, and several of her students to try to find suitable placements for these children as alternatives to incarceration. Chris and Michele represented Larry at his trial on burglary charges. They prepared and presented opening statements, cross-examined several police officers, and delivered the closing argument. Chris, Michelle, Cheryl, and Monica also participated in a pretrial conference with the juvenile court judge during which they argued that residential placements were more appropriate alternatives for the older boys than incarceration should they be convicted. Kurt

and Matthew stipulated to the facts in their petitions and were placed on supervision, without a finding of delinquency, for a period of one year. Joshua entered an admission to a robbery charge and was placed on probation for a period of two years. Residential placements are being explored for Joshua by Monica and her social work students. Larry, who was adjudicated delinquent after trial, was placed in a residential treatment facility rather than being returned to the Illinois Department of Corrections, Juvenile Division.

Titus J. was a sixteen year old charged with aggravated assault and aggravated battery for allegedly pushing a teacher and threatening a teacher with his cane during a fight after a school dance. Several Clinic students were involved in all aspects of this case. Stephen Peck, Chris Langone, and Timothy Ewald conducted client interviews, contacted and interviewed eyewitnesses, filed discovery motions and a trial brief, and tried the case. At trial, after the State had presented its case, the judge granted Chris' motion for a directed finding and dismissed the charges against Titus.

Terry B. was barely fourteen years old and had no previous criminal history when charged

with first degree murder for allegedly firing the shot that killed an innocent bystander in what

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police described as a gang-related shooting. The State filed a petition in Juvenile Court seeking to transfer Terry to the adult court for trial. Several students worked on all aspects of this case, including third year students Gabe Fuentes, Lynn Weisberg, Peter Warman, and Andrew Mottaz, and second year David Fisher. Students drafted a motion for substitution of judges, prepared the testimony of a ballistics expert, met with, prepared, and conducted the direct examinations of several character witnesses, drafted cross-examinations of police officers, and prepared the testimony of a psychological expert who testified that Terry could be rehabilitated within the Juvenile Court system. Students met regularly as part of a team with Clinic faculty and participated in all strategic decisions with respect to the case. Their hours of hard work paid off as the judge denied the State's motion to transfer Terry.

Michael H. is a fifteen year old boy with a long history of emotional and behavioral problems who had been expelled by his suburban school district for a disciplinary infraction. In 1992, as a result of a federal lawsuit filed by students working in the Clinic's Special Education Project (See Spring 1993 issue of News and Notes), Michael was readmitted into his local school district, and the school district agreed to fund Michael's placement in a special education placement at a therapeutic day school for behavior-

ally disturbed children. At the school, Michael's behavior improved and he began to realize his academic potential. Outside of the structure provided by the school, however, Michael's behavior deteriorated and he was charged with several offenses, including armed violence, aggravated assault, battery and criminal trespass in Juvenile Court. Students from both the Special Education Project and the Juvenile Advocacy Project represented Michael in both the juvenile delinquency proceedings and in a due process hearing to require the school district to rewrite Michael's Individualized Education Plan ("IEP") to provide for placement in a residential treatment facility.

Clinic students Andrew Block, Angela Ilusorio, and Mitchell Kaye spent hours interviewing witnesses in preparation for the trial and drafted several pretrial motions. As a result of these motions, Michael was offered an excellent plea to two misdemeanors (all felony charges were dismissed including the Class X armed violence count). At the dispositional hearing, the State argued that Michael should be committed to the Juvenile Division of the Department of Corrections. Andrew cross-examined the Probation Officer and Angela conducted a direct examination of a psychologist who recommended that Michael be placed in a residential treatment facility. After Andrew's closing argument, the judge ruled that

Michael should be placed in a residential treatment facility.

Domestic Relations/ Sexual Orientation

Sandra P., the mother of nine-year old Jimmie, one of the Clinic's Special Education Project clients, had been effectively denied the right to visit her son as a result of a post-divorce decree order. The trial court found that the mere fact of her being a lesbian had seriously endangered Jimmie's mental, moral and emotional well-being and restricted Sandra's visitation rights by requiring that visitation be supervised by heterosexual employees of the Illinois Department of Children and Family Services, reducing her visitation to alternate weekends, eliminating overnight visitation, and requiring that Sandra enroll in regular psychotherapy with no apparent goals for such therapy. The trial record is filled with the homophobic comments of the trial judge. We represented Sandra in her appeal of this order and several students of both Steve Drizin and Laura Miller worked on the appellate briefs, including Debra Fattel and David Nordwall.

In June 1993, the case was argued before the Illinois Appellate court. In an unprecedented move, five minutes after oral argument, the justices of the appellate court returned to the bench and announced their ruling. The justices, finding no evidence of

serious endangerment in the record, summarily reversed the trial court's order and reinstated Ms. Pleasant's liberal visitation rights. They announced that a written opinion would follow.

In December 1993, the justices released their written decision in In re Marriage of Pleasant, 1993 WL 504439 (1st Dist. 1993). The opinion contains many statements regarding the relevance of sexual orientation in visitation disputes which have never before been made by Illinois courts. The court stated unequivocally that "Sexual orientation is not relevant to a parent's visitation rights" and also found that it was "irrelevant" that Sandra lived with her lesbian lover because not only was there was no evidence that this relationship upset Jimmie "but the evidence established that Jimmie has a close and loving relationship with both his mother and her lover." The court also held that "seeing two consenting adults hug and kiss in a friendly manner is not harmful to Jimmie." Also significant is the Court's warning that judges who allow their personal prejudices about homosexuals to influence their judgment will be reversed. The court stated that it was "disturbed by the judge's numerous homophobic comments" and held that the judge had abused his discretion by denying Sandra's motion for a change of venue based on the judge's prejudice.

Domestic Violence

In the Fall of 1993, Cynthia Bowman taught a domestic violence seminar in which the 12 students drafted and presented clemency petitions on behalf of five battered women who had been convicted of killing their batterers. Here are some of those women's stories:

Pam had suffered both physical and verbal abuse over the course of a 16-year marriage, as confirmed by police reports and hospital records from three states. In 1989, when he began to verbally abuse her one more time, Pam pointed a loaded gun at him. Although she meant to scare him, she fired the gun and her husband died immediately. Rather than go to trial, Pam pled guilty to first degree murder to spare her children the pain of testifying. She is currently serving a 20-year sentence, and the story of her abuse will come out for the first time at her clemency hearing in April 1994.

Rochelle's new husband was pathologically jealous and controlling; he monitored her every move, isolating her from family and friends. He carried a gun at all times and would frequently describe to Rochelle what he did to people who crossed him. On New Year's Eve 1984, Rochelle tried to escape; when her husband blocked her way, she pointed a gun and asked him to leave. He lunged at her, and during the struggle, Rochelle fired the gun, hitting him once and killing him. She was convicted of first degree

murder and sentenced to 24 years in prison.

Sheila was convicted of second degree murder in the death of her abusive husband. Throughout the eight year marriage, he hit, punched, kicked and strangled Sheila, with the abuse continuing during her three pregnancies. One evening, he came home, intoxicated as usual, and hit her, shoved her head in the toilet, placed a gun in her mouth, and repeatedly told her she would not live through the night. After seven hours of terror, Sheila attempted to escape with her small son when her husband appeared to be asleep. When he seemed to be waking as they were nearing the front door, she shot and killed him. She is serving an eight year sentence for second degree murder. Two of her children, for whom she was the sole caretaker throughout the marriage, have cystic fibrosis and limited life expectancies.

Educational Program

Federal District Court Judge John Nordberg issued an important ruling last August in a Clinic case which is seeking special and regular education services on behalf of a class of Cook County Jail pre-trial detainees who are under 21 years of age. In denying the Illinois State Board of Education's motion to dismiss, Judge Nordberg ruled in a case of first impression that the plaintiff class had alleged equal protection, substantive due process and procedural due process violations of their right to regular

educational services as well as violations of their right to special education services under federal law. Clinic students who have been working on this case with Clinic attorney **John Elson** are Erica Calderas and Allison Gibbs.

First Amendment: The Public's Right to Know

On January 14, 1993 Clinic third year student Karen Taylor argued a case before the United States Court of Appeals for the Seventh Circuit which could have important consequences for the ability of courts to seal their files from public view. This case resulted from a unique collaboration between Clinic students of John Elson and students of Medill School of Journalism Professor Jack Doppelt. As a class project the journalism students researched and wrote a special issue of the Medill newspaper, the Monitor, which detailed numerous cases in which courts had denied public access to court records or proceedings. After the students discussed all of these cases from their respective journalistic and legal perspectives, it was decided to try to intervene in a federal district court suit involving the alleged adulteration of orange juice in which the judge had sealed the entire court file, including the docket sheet, all pleadings and motions, the judge's rulings, and the sealing order itself. On behalf of a group of eight free-lance journalists, calling themselves the Ad Hoc

Coalition of In-Depth Journalists, the Clinic moved to intervene and vacate the seal of the court file. During more than two years of litigation, the district court repeatedly denied intervenors access to the court file and issued rulings that extended courts' discretion to seal files beyond any existing precedent. After the oral argument, intervenors are quite hopeful that the Seventh Circuit will issue a strong direction to the district courts which will deter such indiscriminate sealing of court files in the future.

Special Education

Corey H. v. Chicago Bd. of Educ., filed in May 1992 by the Special Education Project and Designs for Change, a Chicago-based school reform group, is pending in federal district court. Corey H. alleges that children with disabilities who are enrolled in the Chicago public schools are often unnecessarily segregated from non-disabled children and, where integrated, are usually not provided with the supports and services they need to succeed in the integrated settings. Last spring, plaintiffs deposed numerous employees of the defendants and reviewed documents produced pursuant to discovery requests. The parties are currently exploring the possibility of using joint experts to conduct site visits and report their findings to the court.

In the case of **Adam V.**, the Clinic represented a 15-year old hear-

ing impaired boy who has emotional problems. Adam attended a residential placement, which was planning to expel him in violation of federal law. The school district representatives said that the only alternative was to send him to a residential school for hearing impaired students in Alabama. We represented Adam and his mother at a staffing and convinced the school to let Adam remain in the program and to implement a plan to control his behavior. In the interim, Clinic students located family therapy services for Adam and his family and helped the mother find an alternative placement in a suburban public high school for Adam. If all goes well, Adam should begin attending his new placement in mid-January.

Todd A. is a young man with severe autism. He has the communication skills of a young child. Because of the nature and severity of his disabilities, Todd needed to learn vocational and community-living skills rather than academic skills. The school developed an Individualized Educational Program (IEP) for Todd, a document which federal law mandates be developed for every child with a disability. The IEP promised Todd a school program consisting entirely of vocational and community-living training. Unfortunately, the school district provided Todd with significantly less training than the IEP promised and also kept him in an unsatisfactory job site for nine months. Clinic students Steve Schulman and Alex Choi re-

quested a due process hearing in order to obtain compensatory education for Todd. The hearing officer conducted a hearing which was devoid of even the most basic elements of fairness. For example, she made numerous erroneous evidentiary rulings which resulted in the exclusion of important material, had a lengthy private conversation with the school district's head of special education, and advised the school district as to ways it could save money with respect to Todd's education. In her decision, she concluded that the programs promised in IEP's are merely targets and the District is not obliged to provide them. We are appealing this decision on numerous grounds, including the procedural irregularities and the fundamental misunderstanding of the purpose of IEP's.

Eric O. is a young man who has severe aphasia. This makes it difficult for him to understand spoken and written language, and also makes it difficult for him to express himself. He developed aphasia after he was shot in the neck four years ago in a random act of gun violence. Eric's special education teacher asked us to represent Eric in a criminal case in which he was charged with two felonies. She believed that Eric had not committed these crimes. She believed that his inability to understand and to speak clearly had led to his being unfairly charged. We agreed to represent Eric. We discovered strong evidence in the course of our investigation that Eric had not been

involved in the acts with which he was charged. At the same time, both our experts and the State's experts concluded that, because of his communication problems, Eric was not fit to stand trial. Nonetheless, the State wished to prove that Eric was guilty through a "discharge hearing"--a hearing that allows the court to have jurisdiction over a person who is unfit but who has been proven by the State to have committed the act with which he was charged. On the day that the hearing was scheduled to take place, the State, upon our showing that Eric was participating in a rehabilitation program for persons with head injuries, agreed that it would dismiss the case if Eric were still successfully participating in the program in four months.

*(Student Perspective
continued from p. 7)*

class could ever provide. I have presented motions, represented clients at hearings, and will actively participate in a trial before I graduate. I have also prepared and conducted direct and cross-examinations of witnesses and have given opening and closing statements in hearings. I have had judges praise, lecture, and, best of all, advise me. I have also learned the inner workings of the Circuit Court system. In sum, the work I have done for the Clinic has been invaluablely rewarding to me.

1994 Clinic Faculty and Staff Directory

Thomas Geraghty	Legal Clinic Director
John Elson	Assistant Director
Annette Appell	Faculty
Alberto Benitez	Faculty
Cynthia Bowman	Faculty
Bruce Boyer	Faculty
Robert Burns	Faculty
Steven Drizin	Faculty
Bernardine Dohrn	CFJC Director
Nancy Gibson	Faculty
Cheryl Graves	Faculty
Zelda Harris	Faculty
Steve Lubet	Faculty
Monica Mahan	Social Worker
Laura Miller	Faculty
Barbara Reinish	Legal Clinic Manager
Peggy Slater	Legal Analyst
Marion Cagney	Secretary
Sara Cortez	Secretary
Toni Curtis	CFJC Administrator
Belinda Harris	Secretary
Eric Holmberg	Docket Clerk
Deborah Raby	Receptionist
Paulette Van Zant	Secretary

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systems which will prevent, rather than maintain, dysfunction.

There are, of course, other institutions within our society which are designed to fulfill this role. The federal government funds legal services organizations. The organized bar engages in pro bono activities which address the problems to which I refer. Public and private social service agencies, private foundations, and individuals organize and fund reform activities. However, these organizations have seldom been entirely successful and need help. Moreover, most reform groups lack staying power and the ability to make lasting change. Finally, they do not have the advantage of training young "reformers" who will take a lifelong interest in making things better. Universities can support programs that will provide staying power and long-term commitments to change.

During the last years, the Clinic has engaged in a number of projects designed to effect change in legal practice and legal institutions, all of which grew out of the Clinic's representation of individual clients and utilized faculty and students working together. John Elson and his students have litigated the issue whether divorce lawyers may ethically engage in sexual relations with their clients. John has also explored the ethical implications of certain fee practices by divorce lawyers. Cynthia Bowman heads a project which, in the context of parole hearings, examines the question whether many women in Illinois prisons are there as the result of spousal abuse. Nancy Gibson, Laura Miller, and John Elson are litigating the issue of whether children with learning disabilities should be "mainstreamed" into regular Chicago public school classes instead of being isolated in special schools. Steve Drizin and Cheryl Graves are examining the process and the desirability of transferring children charged with serious felonies to adult court and are examining ways of diverting non-serious cases out of the court system. Steve Drizin is vice-chair of the Chicago Bar Association's Juvenile Law Committee, which is working with the judges and lawyers in the Juvenile Court to make the court function better. Zelda Harris and Bruce Boyer are examining ways to improve the operation of the Juvenile Court's neglect and abuse courtrooms. Bruce is also studying the Juvenile Court's information systems to see how they can be better linked to the information systems of the Court's Detention Center, to the Department of Children and Family Services, and to the Department of Mental Health. Bernardine Dohrn and I served on the Solovy Commission's Juvenile Court Task Force, which recently produced a comprehensive evaluation of the juvenile justice system in Illinois. Bernardine and I have also been active with a national committee in evaluating recent federal legislation addressing the problem of juvenile crime. Students are involved in many of these endeavors in addition to their representation of individual clients.

By far our most ambitious effort so far has been to develop a strategy for convincing the Circuit Court of Cook County to transform its Juvenile Court from one of the worst in the nation to one of the best. Our goal is to reach this objective by the Juvenile Court's 100th birthday in 1999. Our concern about the way in which this court functions stems from many years of practice there and growing frustration with the way in which the Circuit Court has and continues to starve the Juvenile Court. Judges who sit in neglect and abuse courtrooms have 3500 to 4000 cases on their calls; judges who hear delinquency cases have 1500-2000 cases on their calls. The juvenile division offices of the State's Attorney, Public Defender, and Public Guardian are staffed almost completely by lawyers right out of law school. Many of the judges assigned to the Juvenile Court do not want to be there because of the staggering workload

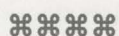
(conclusion on p. 20)

and for fear that a case gone wrong could ruin a judicial career. The leadership of the Circuit Court of Cook County has provided little support for the notion that the Juvenile Court should be transformed from a poor to an excellent court.

The disarray in which the Juvenile Court finds itself provides lawyers, law students, law teachers, doctors, and social workers with the opportunity to re-think how a juvenile court should operate. How should the lawyers who work in the Juvenile Court define their roles? Should the adversary model of lawyering be modified? May the adversary model be modified in light of the Supreme Court's jurisprudence in this area? How should judges interact with the children and families who come before them? Are judges and lawyers qualified to make the kinds of decisions which they are asked to make in Juvenile Court? How far should the judicial power extend over state employees and agencies when they fail to do their jobs or when they do not provide appropriate services to children? Should there be a separate juvenile court which hears neglect, abuse, and delinquency cases, or should the functions of the Juvenile Court be merged into a more comprehensive family court which has expertise in all areas of law and social science relating to children and families? These questions will only be addressed when the Circuit Court, together with non-legal experts on children and families, begin to take an honest, forward looking approach to the analysis of how the Juvenile Court should function.

To date, the Circuit Court of Cook County has reacted to crises superficially, waited until the clamor died down, and then continued business as usual. The objective of the Clinic's court reform project is to create a meaningful dialogue about reform which will engage the Circuit Court's leadership and that will create lasting change. We will involve our students in this undertaking by discussing with them the failures of the system, creating strategies with them regarding measures which could be taken to address those failures, and by involving them in our reform advocacy.

We are grateful for the wonderful support of the Law School's faculty, students, and alumni. If we continue to work together, our clinical program will be even stronger 25 years from now.



*We wish to extend our heartfelt thanks and appreciation to the following **Adjunct Faculty** for their valuable time and expertise:*

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