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Legal Clinic

News & Notes

Teaching the Law In Context— Taking the Broad View

by Thomas F. Geraghty

“What this experience confirms is the imperative for us to not only train the minds of our students but to engage their souls as well. Dick Speidel has called my attention to Dean Erwin Griswold’s departing lecture as dean of Harvard Law School. In that lecture, Griswold pointed out that one of the risks of legal education—a risk that can lead to a tempering of our students’ idealism—is that there is sometimes ‘too much intellect in the discussion and not enough spirit.’ Our community showed great spirit in the weeks and months leading up to [the Conference on Wrongful Convictions and the Death Penalty]. It was a privilege to be part of this triumph.”
—Lawrence C. Marshall, replying to his colleagues’ congratulatory note regarding the National Conference on Wrongful Convictions and the Death Penalty, November 19, 1998

Larry Marshall’s response to the praise of his colleagues and, indeed, the manner of his leadership in conceptualizing and carrying out the National Conference on Wrongful Convictions and the Death Penalty made explicit the dual roles of education: to build knowledge and skill as well as capacities for ethical and committed lives. This holistic vision of legal education is what drives a good clinical program.

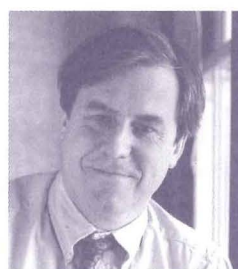
There is no more rewarding way to teach than to work with the Law School’s talented and committed students to help them learn the intricacies of legal representation in the classroom and in the clinic on behalf of clients who, but for our

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efforts, would be deprived of basic human rights and human necessities. Our students are challenged to develop lawyering skills in the classroom and in the courtroom and to recognize and remedy the systemic

failures of our justice system. They see the results of the training that they receive from the talented faculty of this Law School through the use of those skills on behalf of the clinic’s clients. We know that they carry the legal skills learned at the Law School and the commitment to making things better into their professional lives. In addition to the rewards of working with students, there could be no better job than helping to support the work of my marvelous colleagues who labor so long and hard on behalf of their students and their clients.

One important lesson that we try to teach is the necessity of continuing to grow as people and as professionals. After all, the goal of a university is to impart knowledge to be used to better the community. In pursuing this goal, we must recognize and teach that law is practiced in context by providing examples of how legal rules and institutions actually work and



how they interact with each other. We must take a “broad view” of the nature and the purpose of our teaching. The work of Bob Burns and Steve Lubet in constructing their model litigation/ethics/evidence curriculum is an example of this innovative contextual approach in the classroom. This sequence of courses

is designed to impart knowledge and to provide students with examples of how discrete legal subjects interact with each other in the real world—that clients’ problems and cases are seldom resolved by addressing a discrete legal issue. The work of Cheryl Graves and Lisa Copland in involving students in the creation of community mediation panels to address the problems of children who commit crimes is another example of how to develop new approaches to address problems in context.

Our students also learn in context through their representation of clients. It is not enough to teach or to learn the discrete skills of research, writing, interviewing, counseling, and trial advocacy. We teach students how to solve problems and to create processes that lead to new ideas and initiatives that benefit clients. We must think critically and creatively about methods

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Dean's Message

A strong and vibrant clinical program is one of the cornerstones of a great legal education. We are proud of the quality of our clinical program and the national stature and recognition we have achieved both for our program overall and for its component parts: simulation and trial advocacy programs and live client clinics.

Our clinical program at Northwestern is unique among American law schools. As described in these pages, we do an excellent job of enabling our students to hone their trial skills in our simulation programs and to represent and counsel clients in our live client clinic. We also provide externships that enable them to better understand the legal process. We then go further and encourage them to examine our system of justice and to help lead the reform of law and legal institutions. Thus, our students learn and work for justice on both a case by case and systemic basis.

One example of our work for legal reform is the Children and Family Justice Center. Working with the Juvenile Court



work that is done on death penalty cases and the National Conference on Wrongful Convictions and the Death Penalty, which was brilliantly organized last fall by Larry Marshall. This program brought national and international attention to the fact that under our current system of justice, at least 75 men and women were tried, convicted, and sentenced to death for crimes that they did not commit. Regardless of anyone's personal views of the appropriateness of the death penalty, it was clear from this conference that wrongful convictions are a serious issue that cannot be dismissed.

Our recently completed Strategic Plan calls for Northwestern to expand and broaden our clinical program. We have taken significant steps in this direction by establishing the Small Business Opportunity Clinic and the International Center for Human Rights. As described

of Cook County, the center is striving to make the juvenile courts that serve Chicago a model system of justice for children.

A second example is the

in this newsletter, these programs have been enthusiastically received by our students and will be important additions to our community and curriculum.

The successes and accomplishments described in this newsletter are a tribute to our faculty, students, and staff and are in the best Northwestern Law tradition. I want to thank all who make these programs a success.

But we must do more. Because of space constraints, we currently cannot accommodate all of our students who wish to participate in our distinctive clinical programs. And some of our programs are dependent on foundation grants, which although generous, are not permanent. We must put these important activities on firmer financial ground. We can begin to do this through the Law School's recently launched capital campaign. I invite all who support our wonderful clinical program and the students who benefit to consider seriously a contribution to further its mission.

As always, I want to hear from our community. If you have questions or thoughts about the clinic or our programs, please do not hesitate to get in touch with Tom Geraghty or me.

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we use to educate and the ways in which we, as lawyers, law teachers, and students can make a difference to individual clients and to the community.

Our clinical program has been fortunate to have the talented people and the resources that have enabled us to take this broad view of the role of clinical education—one which combines the best professional training with the capstones of client representation and critical examination of justice issues. It is the Law School's dedication to this broad view of clinical education that makes the clinical program at Northwestern meaningful to our students and valuable to our community.

This comprehensive view of clinical legal education has been carried forward by this year's developments in our clinical program. The past year has been a particularly exciting and productive time, a period of growth and of the creation of new opportunities for our students. A new Small Business Opportunity Clinic has opened under the leadership of Tom Morsch, a 1955 graduate of the Law School and a partner in

the law firm of Sidley & Austin. In addition, the Law School has opened a new Center for International Human Rights, headed by Douglass Cassel, a nationally recognized human rights advocate and scholar. Thus our students will find opportunities for clinical studies in the world of business and on behalf of people around the world. The Children and Family Justice Center, headed by Bernardine Dohrn, continues its important work of advocating for juvenile court reform and will sponsor during the next year a series of important conferences on the future of juvenile courts to coincide with the centennial of the Juvenile Court of Cook County. As the result of Bernardine's work and the work of other members of the center's staff, the Law School has become an important contributor to the debate about the issues of justice relating to children and families.

And what could be more important and exciting than Larry Marshall's work on behalf of the wrongfully convicted? The National Conference on Wrongful Convictions and the

Death Penalty, held at the Law School last November and attended by 1,500 people from around the country and around the world, was the most compelling and important event ever held at the Law School. For our law students who are taking criminal law and procedure and who are working on criminal and death penalty cases in the clinic, the event could not have been a better and more broadening educational experience. In addition, the conference provides the clinical program and the Law School with exciting opportunities to contribute to the ongoing debate about the fairness of our criminal justice system.

As I observe and admire the efforts of those whose work is described in the following pages—Cynthia Bowman, Bruce Boyer, Bob Burns, Doug Cassel, Angela Coin, Bernardine Dohrn, Steve Drizin, John Elson, Derrick Ford, Cheryl Graves, Ros Lieb, Steve Lubet, Monica Mahan, Larry Marshall, Vanessa Melendez, Tom Morsch, Len Rubinowitz, and Ora Schub—I am grateful for the opportunities that they have given me to take the broad view and to place in context all of the wonderful and exciting challenges we face.

On a sad note, on January 6 our community suffered a tragic loss with the death of Circuit Court Judge Joan Corboy '77. Joan was a loving wife to Jim Epstein '78 and a loving mother to Matthew and Nora. She was a compassionate and brilliant judge who ruled on cases with common sense and knowledge. Before becoming a judge, Joan served with distinction as a federal district court clerk and as one of the Cook County State's Attorney's top trial lawyers. She, like Jim, was much sought after as a teacher. She taught regularly in the Law School's Midwest Regional NITA courses and in the Law School's trial advocacy program. Her knowledge and wit were appreciated by all who were lucky enough to be her students. We are grateful to Joan for sharing Jim with us. Jim has been a mainstay of our NITA programs as well as our trial advocacy program. As a coach of the Law School's national trial competition team, Jim devotes countless hours to developing the advocacy skills of our students and leading them to success in local and national competitions. Joan and Jim served as models for us—devoted partners, loving parents, involved community members, and the best of the legal profession.

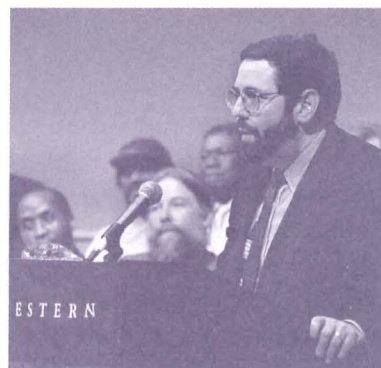
This year's work on behalf of students, clients, and the community is dedicated to the memory of Joan Corboy and to Jim Epstein.

Thomas F. Geraghty is associate dean for clinical education and director of the Legal Clinic. He maintains an active caseload, concentrating on criminal juvenile defense, death-penalty appeals, and projects dealing with juvenile court reform and the representation of children.

Death Penalty Conference Presents a Vision for Reform

Northwestern University law professor Lawrence C. Marshall convened the National Conference on Wrongful Convictions and the Death Penalty with the following remarks on November 13, 1998.

After 14 months of planning, it gives me intense pleasure to welcome you to the National Conference on Wrongful Convictions and the Death Penalty. We stand here this moment on the brink of a spectacular opportunity to effect changes in public perceptions and public policy about the subject of wrongful convictions and about the death penalty.



In Illinois in the last decade we have seen massive change in public thought, and these changes have manifested themselves in the ways in which the courts, the legislature, juries, and journalists look at cases. There is a new sensitivity to the death penalty that was not there 10 years ago. Ten years ago, the face of the death penalty was that of John Wayne Gacy. Today, the faces of the death penalty in Illinois are the faces of Dennis Williams, Verneal Jimerson, Rolando Cruz, Gary Gauger, Perry Cobb, Darby Tillis, Joe Burrows, and Carl Lawson. These are the faces that people in Illinois think about, and that is why we are moving toward reform. For example, that is why a moratorium resolution that has already passed committee will be voted on in the Illinois legislature. And that is why the Illinois legislature has passed, and the governor has signed, the most progressive bill in the country to provide DNA testing to inmates who claim that testing will exonerate them.

The broad hope of this conference is to bring that message—to bring those faces—into every home across this country. We hope that the picture that will be taken tomorrow of the 30-plus men and women who would be dead today had the state had its way will sear itself into the minds of policy makers and voters and potential jurors.

I have been asked over and over to describe in a more specific way what the conference hopes to accomplish. I cannot



At the National Conference on Wrongful Convictions and the Death Penalty, 30 men and women who had been convicted of crimes and sentenced to death who were later exonerated came forward to share their stories. They each signed the statement that is printed in full on the following page.



answer that question, for each of us has a different vision about what we have come here for. Nonetheless, I would like to provide some personal reflections on my personal wish list with respect this event.

Personally, I oppose executions as a means of enforcing the criminal law. Even if we could ensure accuracy, I do not believe it is right for government to kill. I know that many of you may not share that view, but number one on my personal wish list is the hope that the faces and the stories of the people that we are going to be highlighting this weekend will hasten the abolition of the death penalty.

If you told Americans that 1 out of 20 sausages they eat is infected with cockroaches, no one would ever eat a sausage again. Why, then, would America accept a death penalty when for every seven people who have been executed, one person has ended up being exonerated as totally innocent? I do not believe the majority of Americans would accept the death penalty if they knew about the realities of the ways in which we decide who should live and who should die. We are here this weekend to educate America about those realities.

I am a realist, however, and I know that Monday morning Representative McCollum is not going to get on the floor of the Congress and call for a moratorium on the death penalty because of what happens here this weekend. Abolition is a long-term, not a short-term goal. Nonetheless, I do believe that there is a potential for meaningful short-term reform that will reduce the risk of executing the innocent and will reduce the risk of imprisoning the innocent. We need to focus on those things

here this weekend. In addition to our dream of abolition, we have to focus on some hard, realistic proposals that

are going to be addressed in workshops and then again at the Sunday session, as to how we can make the system better, how we can get the cockroaches out of the sausages.

If we are going to continue to practice capital punishment, we can do it a whole lot better than we currently are, and any humane system has an imperative duty to take steps to improve. So the second item on my wish list is that the conference will spark debate on an agenda for reform and for a moratorium on executions until those reforms can be studied and implemented by the proper bodies.

The third item on my personal wish list is that, at the very least, the faces and stories of the wrongly convicted men and women who are here this weekend will put an end to the hyperbolic nonsense of trying to speed up executions by cutting off avenues of relief. Even under the current system, there is grave risk of error, but there are some who are trying to make the system much worse. There are those who want to cut off post-conviction relief and habeas corpus relief, and there are those who are seeking to cut off funding and resources for lawyers and investigators to work on death penalty cases. These kinds of changes should be unthinkable.

Indeed, it is truly perverse that the same people who look at our gathering and claim that the exoneration of the 75 proves that the system works, now want to change that very system. Even in the face of these wrongly convicted who narrowly escaped with their lives, there are people who are saying,

"Let's execute inmates more quickly." Well, the fact is, if the system worked then the way these people want it to work, most of the people you will meet this weekend would be dead today. How can people who claim to value human life seek to take measures that inevitably will extinguish innocent life?

This is my wish list. Number one, abolition. Number two, meaningful reform. Number three, thwarting the measures toward regressive reforms that threaten to make it even more difficult to establish innocence. As you will hear tomorrow, we have people here whose innocence was not established to the satisfaction of the system until 5 or 7 or 10 or 13 or 18 or 21 years after they were convicted. How, then, can we think about hurrying up that process in the light of that kind of evidence?

No matter what differences we may have on some core issues—and I am sure there are many people here who support the death penalty—surely we can agree that we must take every measure humanly possible to reduce error. And of course even if we abolished the death penalty tomorrow, we would still have to worry about all those people who are being put away for the rest of their lives, being put away for 50 years, 20 years, 30 years, based on evidence that has no business ever leading to a conviction, based on prosecutions that never should have been brought in the first place.

That is my sense of what we can accomplish, realistically, this weekend. We are going to hear gut-wrenching stories, and it is our job to take these stories and share them with people we know around the country. Our task is to take these stories and the energy of all who gather and to work on improving some of the staggering problems that plague our criminal justice system.

We gather together as proof positive of Justice Blackmun's admonition that "the death penalty remains fraught with arbitrariness, discrimination, caprice and mistake." We are alive today despite the criminal justice system's intense efforts to kill us for crimes we did not commit. It is our fervent hope that society is capable of learning from its mistakes.

Dean Van Zandt informed Justice Blackmun of this signed statement and a replica was presented to his family.

The Children and Family Justice Center

by Bernardine Dohrn

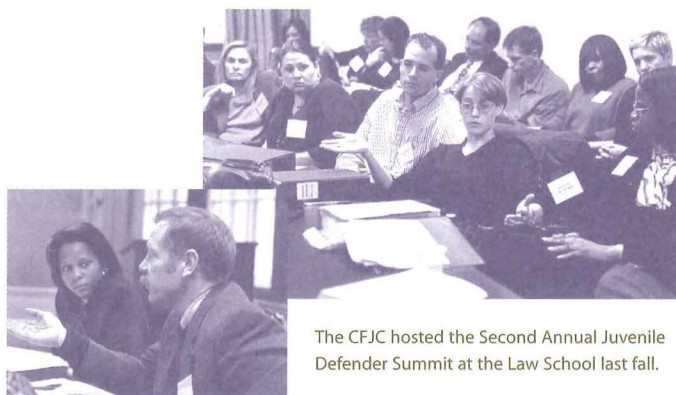
Adult society continues to be confounded by a paradox: What kind of persons are children?

The recognition that children are people, with legal, constitutional, and human rights, is a recent development in human history. Yet we know also that children are not identical to adults, that they need adult care, protection, and family stability to thrive and to develop their capacities for brilliance, caring, humor, and joy. The abiding pleasure of our work at the Children and Family Justice Center (CFJC) is that the legal representation of children, far from being "kiddie law," is the most intellectually demanding, rigorous, and ethically challenging enterprise, involving fundamental human matters of family, loss, harm and violence, attachment, endurance, and recovery.

The center began seven years ago with the extravagant goal of helping to transform the Juvenile Court of Cook County—the first court for children in the world—into an outstanding system of justice for children, a vital community resource, and a model once again for the rest of the world. The path toward that goal has let us become a unique, maybe pioneering, children's law center that combines seven elements:

- The CFJC provides direct legal representation for the whole spectrum of children's needs: safety (neglect, abuse, domestic violence); education; health and disability; adoption, custody, and visiting; delinquency and criminal trials; immigration and asylum claims for unaccompanied children in INS custody.
- Our pedagogic mission is to teach law students children and family law through outstanding supervision of talented clinical faculty in real cases involving children and families.
- We serve as a catalyst for change in the legal system by engaging with a major urban court, the Juvenile Court of Cook County, as an educational resource, research partner, independent critic, and policy advocate.
- The CFJC is a research and policy center addressing unmet needs, redesign of systems, evaluation and assessment, and system consequences and protocols.
- The center is grounded in three Chicago neighborhoods to learn from and with communities: The Community Law Clinic provides legal services to children and youth in West Town, and Community Panels for Youth in Austin and Englewood are developing restorative justice models. A powerful Children's





The CFJC hosted the Second Annual Juvenile Defender Summit at the Law School last fall.

Pro Bono Network has recruited and trained 150 attorneys from 15 major law firms to represent children in delinquency and disability cases.

- We have become a national resource providing critical analysis and knowledge about children's law, the preparation of lawyers who advocate for children, and the administration of justice.

- The CFJC promotes alliances within the University on matters of social justice for children, encouraging research and academic inquiry into the barriers to children's development, equity, and fairness.

- Working in ways that synthesize these elements permits the CFJC/clinic team to address new legal areas involving children as they arise. Last year, we began representing unaccompanied children in INS custody, worked to develop and promote new guidelines for refugee children, and participated in training lawyers, law advocates, and judges. New policy areas, such as interrogation of child witnesses and suspects, or the death penalty for children, demand attention and experience. The adoption of adolescents, the intersection of welfare reform and child welfare, the availability of guns to children, new school suspension/expulsion practices, legislative mandates to try children in adult criminal court, pervasive violence in children's lives, new family structures, emerging human rights standards for children—the wealth and expanse of children's law is magnificent.

Bernardine Dohrn is director of the Children and Family Justice Center.

Children's Rights Lawyer Visits from the Netherlands

In fall 1998 the Legal Clinic was pleased to have a distinguished visitor, Jaap Doek, professor of law at the Vrije Universiteit in Amsterdam. Doek served on the executive board of the International Society for Prevention of Child Abuse and Neglect and chaired the Board of Child Rights Worldwide. He is first vice president of the European Law Faculties Association and a board member of the Amsterdam Foundation for International Research on Working Children. His reflections on his work as an international children's lawyer appear below.

Almost 30 years ago I started my professional career with the Department of Justice, Child Protection Division, in The Hague. After my PhD, I was appointed as an assistant professor at the Vrije Universiteit in Amsterdam for child protection and family law. In 1978 I became a juvenile court judge and returned to the Vrije Universiteit as a professor for family and juvenile law. And that is what I still am, besides being a deputy judge in the District Court of The Hague. Over the years, I became more and more involved in national and international non-governmental organizations in the area of children's rights in general or in the area of prevention of child abuse and neglect, including economic (child laborer) and sexual exploitation (child prostitution, pornography).

Why would a lawyer devote his career to this area of the law? My answer is rather complicated because there is both an emotional commitment and a professional interest. And, for those who think that you can practice law without emotions, either go to some other courses or rethink about the "why" of becoming a lawyer.

When I was a student I became involved as a volunteer in youth work in the inner city of Amsterdam. I met weekly with a group of young boys and spent a couple of weeks in summer camps with them. Being a "green" 19-year-old boy from a very quiet, moral area, I learned a lot about shoplifting, poor learning, and low socioeconomic positions. And I liked "my" boys. I think a rather simple motivation for my commitment to children is that I like them. They deserve the best we have.

Grace and Arthur Freeman Fund

The clinic is grateful for the establishment of the Grace and Arthur Freeman Fund for the Legal Clinic, established with a \$100,000 gift from Arthur Freeman '38 and Grace Freeman. Arthur Freeman, senior counsel at Schwartz & Freeman, has assisted students and faculty on clinic cases as a member of Tom Geraghty's clinic section. He has also been active in death penalty and juvenile cases. The fund established by Arthur and Grace Freeman will be used to support the supervision of students who represent clients in the Legal Clinic.

Training the Child Advocate Program

The Law School, in cooperation with the National Institute for Trial Advocacy, recently hosted the fourth annual Training the Child Advocate Program. The program, attended by 36 lawyers and 20 faculty, provides training to lawyers who represent children in delinquency cases and lawyers who represent children and parents in abuse and neglect proceedings. The offices of the State's Attorney of Cook County, the Public Guardian of Cook County, and the Cook County Public Defender were represented as students and as faculty. Faculty included Catherine Ryan '72, chief of the State's Attorney's Juvenile Justice Bureau, and Rita Fry '79, Cook County Public Defender. We were also grateful that Zelda Harris joined us from the University of Arizona, where she is now a clinical professor of law, and that Annette Appell returned to teach with us from the University of Las Vegas School of Law, where she is an associate professor of law and teaches civil procedure, evidence, and family law.

Community Law Clinic Continues to Serve Chicago's Near West Side

Along with director Angela Coin, the volunteers in the Community Law Clinic, located on Chicago's Near West Side, have successfully litigated juvenile delinquency appeals, expulsion, and suspension hearings in the Chicago Public Schools. Only three years old, the Community Law Clinic now has a roster of more than 170 volunteers from over 30 firms and corporations in Chicago.

The Community Law Clinic's Children's Law Pro Bono Program has successfully represented disabled children from low-income families, including 54 children between ages 3 and 16 who were among the thousands of youths removed from the SSI rolls in Illinois. Many of the families were provided with benefits while their appeals were pending. Often, volunteers were able to manage their cases successfully at the first level of appeal. Lawyers and paralegals from Baker & McKenzie and Seyfarth, Shaw, Fairweather & Geraldson gave approximately 30 to 40 hours per case to this effort.

CFJC Commemorates First Juvenile Court

The CFJC is planning a series of exciting events in connection with the 100th anniversary of the first children's court in the world, founded in Chicago by Jane Addams, Lucy Flower, Julia Lathrop, and other crusaders for children. The CFJC is also working closely with the Children's Court Centennial Committee and the Child Law Center of Loyola University—Chicago's law school to help shape these commemorative events.

The Cook County Juvenile Court was founded on the premise that children

are fundamentally unique beings who are not simply "mini-adults." The founders recognized that because children's personalities are not yet fixed and because they are especially susceptible to adult and peer influences, children are both less culpable for their actions and more likely to benefit from intervention than are adults. It is for this reason that the founders aimed to develop a separate court system that would hold children accountable for their actions but also offer them the guidance and opportunities necessary for them to lead crime-free and productive lives. Today, these common-sense notions about children are being abandoned as society demonizes children in trouble and as politicians use them as pawns in get-tough-on-crime agendas. The goal of the commemoration is to reclaim children as national treasures and to reaffirm the noble ideas that led to the creation of the juvenile court.

The first such event was the Second Annual Juvenile Defender Summit, held at the Law School October 23–25, 1998. The summit, which was sponsored by the ABA Juvenile Justice Center, the Youth Law Center, and the Juvenile Law Center, brought together more than 200 juvenile defense attorneys from throughout the United States to discuss issues and strategies that affect clients and better ways to represent them in court.

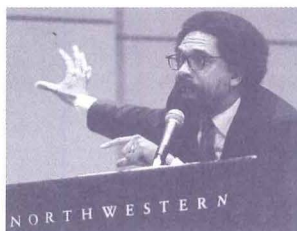
The center developed a speakers series that highlighted issues relating to the court. The first such event took place in November and featured three social historians—David Tannenhaus, Anne Meis Knupfer, and Mara Dodge—who discussed the history of the court and its prospects for the future.

The speakers series will continue through July (the centennial is July 3, 1999) and to date includes the following speakers:

Franklin Zimring, law professor, criminal and juvenile justice expert, and author of numerous books and articles, including most recently *American Youth Violence*, and **James Bell**, staff attorney at Youth Law Center, litigator on behalf of children who are incarcerated in unsafe institutions, and winner of prestigious ABA Livingstone Hall Award for outstanding juvenile advocacy, spoke on January 26.

LeAlan Jones, journalist and commentator on award-winning radio documentaries (*Ghetto Life 101* and *Remorse, the 14 Stories of Eric Morse*), spoke on February 17.

Cornel West, professor of philosophy



Cornel West

in religion and African-American studies at Harvard University, and **Sylvia**

Hewlett, founder of the National Parenting Association and author of the award-winning *When the Bough Breaks*, were the keynote speakers. West and Hewlett discussed their book *The War Against Parents* on February 18.

Mike Males, author of *The Scapegoat Generation: America's War on Adolescents and Framing Youth: Ten Myths About the Next Generation*, and **Thomas Grisso**, forensic clinical psychologist, professor of psychiatry and author of numerous books and articles, including most recently *Forensic Evaluation of Juveniles*, spoke March 3.

Gitta Sereny, internationally renowned journalist and author of the number-one best seller in Britain, *Cries Unheard, The Story of Mary Bell*, a powerful story of moral regeneration that chronicles the life of one of Britain's most

notorious child killers from her conviction for murdering two boys at age 11, through her time spent in the juvenile and criminal corrections, to her release and struggle to come to terms with her past, spoke April 7.

Angela Y. Davis, author, activist, and academician, will speak about her current effort to stem the growth of the prison industrial complex, a growth which is increasingly being fed by young men and women of color, on April 21.

In addition to these speakers, **Marian Wright Edelman**, director of the Children's Defense Fund, has expressed an interest in participating in the series, although a date for her appearance has not yet been set, and we recently invited the Reverend **Jesse Jackson**.

Each speaker makes a 30- to 60-minute presentation related generally to the state of children and families in the United States, with particular emphasis on the poorer children and families who find themselves enmeshed in most juvenile court systems. Speakers are being asked to spend an hour with the children in Cook County's Juvenile Temporary Detention Center to educate, inspire, and offer hope, and to include the detained youth directly in the series.

The centennial commemoration concludes with a conference in partnership with the National Council on Juvenile and Family Court Judges in Chicago July 17-21.

Another key centennial event, which the CFJC is co-sponsored with Voices for Illinois Children, is a three-day working conference, "Who Are the Children of Illinois? Building a Charter for the Future," which took place February 18-20 at the Law School. One hundred years ago, leaders of government, clergy, and charitable organizations came together in Illinois for a meeting entitled "Who are

the Children of the State?" The questions asked in that meeting led to the establishment of the nation's first juvenile court and forged a new understanding of childhood. One hundred years later, the conference is assembling parents, educators, service providers, doctors and nurses, children, artists, clergy, and business and community leaders to assess the state of Illinois's children, to reaffirm society's responsibilities toward its children, and to outline the ways in which each segment of society can take better care of its children and better prepare them for the future.

Students Travel to Africa as Part of Clinical Program

More than 40 second- and third-year students have traveled to Ghana or Tanzania as part of a unique clinically based course developed by Cynthia Bowman and Tom Geraghty. The course involves students doing in-depth research on legal issues in Ghana and Tanzania. During the first seven weeks the students selected and developed their topics and did research in the Africana collections at Northwestern; all of the research was undertaken in teams of four to six students. In mid-March, the students traveled at their own expense to Ghana, with Bowman, or Tanzania, with Geraghty, to do field research in each of the areas under study, returning to Northwestern to write up their findings and present them to the group.

These projects build upon work that Bowman and Geraghty have done during the last three years in Africa, where they have collaborated with the faculty of the Addis Ababa University School of Law to develop its clinical curriculum. Bowman and Geraghty visited Ethiopia in 1995; Geraghty visited again in 1996 to lead an

East African conference on clinical education. Bowman was host last fall to the dean of the University of Ghana School of Law and recently visited Ghana to consult with the law school there on the development of its curriculum. Prior projects were conducted in cooperation with students and faculty in Ghana and Ethiopia and included a study of the Ethiopian war crimes trial, assistance with public defender programs, and other human rights projects.

Several of the students involved this year have experience working in Africa. For example, Bil Barnes '99 was a Peace Corps volunteer in Chad for three years before coming to Northwestern. Bil writes:

"Having already spent time in Africa, I am only too aware of the inequities and tragedies that often result from failure to adhere to the rule of law. Where I lived, my friends were sometimes ruled by an AK-47 and 'laws' changed daily. Just before I left Chad, I had the opportunity to meet with a group of local lawyers who had undertaken the task of drafting a human rights document, the first of its kind in Chad. Sadly, this document was not considered by the ruling party.

"Through the project that we undertake this semester, it is not our place to export Western norms in the hopes of a 'quick fix.' To do so would be presumptuous and would smack of neo-colonialism. Rather, it is our goal to cooperate with law students and law teachers and to work with them on collaborative projects."

Students express strong enthusiasm for these programs. The opportunity to conduct research that will be useful to countries that do not have substantial resources for research appeals to all of the students involved. In addition, students view their participation as an opportunity to broaden their educational experience

through exposure to legal systems and practices in developing countries.

Bowman and Geraghty, both of whom lived in Africa when they were graduate and law students, look back on the experience as both valuable and transformative. It is their hope that these projects will create links between the students and their counterparts in Africa that will endure for lifetimes. Another goal of the program is to build long-term institutional relationships between the law schools involved that will permit on-going collaborations involving research and training.

Recent Graduate, Two Students Honored for Public Interest Activity

Recent graduate Angela Daker '98 and third-year students Jonathan Kaden and Kimberly Lloyd were recognized during the past year for their work in public interest law.

Angela Daker received one of the 10 prestigious Soros Justice Fellowships awarded nationally this year. An active participant in the Legal Clinic during law school and after graduation, Daker devoted herself to the representation of children charged with serious crimes, participating in several trials in criminal court and many transfer hearings in juvenile court. The Soros Justice Fellowship will allow her to continue her work on behalf of children in juvenile court at Northwestern's Community Law Clinic, working on community-based juvenile justice solutions.

Jonathan Kaden received a one-year fellowship from the Skadden Fellowship Foundation, which awards fellowships to students and outgoing judicial clerks for work in the public interest. He was chosen as one of the 25 fellows from among several hundred applicants. He will serve

as a postgraduate fellow at Business and Professional People for the Public Interest in Chicago, a 29-year-old public interest law center with a diverse practice concentrating in the areas of fair housing, the environment, and school reform.

Kimberly Lloyd was one of three recipients of the Law Student Award given by the National Association of Public Interest Law (NAPIL). She was honored for her outstanding public interest work at the ACLU Foundation of Southern California this past summer. The NAPIL Law Student Awards were presented at the Annual NAPIL Honors Reception in November in Washington, D.C., where Lloyd was specially recognized and congratulated by both first lady Hillary Rodham Clinton and Supreme Court Justice Ruth Bader Ginsburg.

Northwestern Inaugurates Small Business Opportunity Clinic

Consistent with the Law School's strategy of expanding its clinical program, two new clinics have recently been established, one focusing on small business and the other on international human rights (see following article).

The Small Business Opportunity Clinic (SBOC) was established as the result of an initiative by second- and third-year students, including a number who are seeking combined JD/MM degrees from the Law School and the Kellogg Graduate School of Management in Evanston. Almost one-half of the 600 students at Kellogg already take courses involving entrepreneurialism. The SBOC will add practical legal experience to the management curriculum. Leaders of the student group include Miluska Novota '99 and Tesha McCord, JDMM '00.

A corequisite to the program is a seminar on small business issues being

taught by Thomas Morsch '55, senior lecturer and director of the SBOC, and faculty member Thomas Eovaldi.

Morsch, a long-time senior partner in the Chicago office of Sidley & Austin, has also served as president of the Chicago Bar Foundation, Public Interest Law Initiative, and Chicago Lawyers Committee for Civil Rights Under Law. He is hopeful that the SBOC will provide practical experience in representing not-for-profit organizations as well as business clients and may motivate some participants to consider a career in public interest law.

The SBOC will provide services to clients in accordance with a published fee schedule, with charges ranging from \$250 for a simple incorporation to an hourly rate of \$40 for more complex transactions such as the negotiation of operating agreements and zoning problems. Fees collected will be offset against the expenses of operating the program.

Students participating in the program have been asked to help establish the SBOC as part of their entrepreneurial experience. This will include drafting standard legal forms, preparing engagement letters for clients, and developing an appropriate marketing plan for the SBOC.

Eovaldi and Morsch will also supervise the work of other third-year students who elect to participate in a small business practicum at the Community Economic Development Law Project in downtown Chicago or at Bullwinkel Partners, a law firm located in the Evanston Technology Innovation Center.

As a teaching technique, students involved in the SBOC or a practicum will be asked to share their experience with other students in the Small Business Issues seminar. Likewise, seminar participants will be expected to assist in the entrepreneurial aspects of developing the SBOC.

Since opening its doors in mid-September, the SBOC has been contacted by more than 20 prospective clients, ranging from a young dentist who wants to purchase a dental practice, to graphic designers and software consultants who want to start their own companies, to community organizations and not-for-profit organizations who need help incorporating or seeking tax-exempt status. New matters are being referred to the SBOC almost every day by governmental organizations, community groups, and legal service providers. Four third-year students participated in the clinic in the fall, with six expected for the spring.

Participants in the SBOC continue to explore ways to involve more students from Kellogg. It is hoped that over a period of time, the link between the Law School's clinical program and a variety of internships being offered by Kellogg can be blended together into a joint enterprise resource center offering both legal and business advice to clients. Morton Kamien, assistant dean of entrepreneurial studies at Kellogg, and Stephen Rogers, the director of Kellogg's entrepreneurial clinics and internships, are cooperating in the effort.

Center For International Human Rights Established

The Center for International Human Rights of Northwestern University School of Law was established in August 1998 under the leadership of director and senior lecturer Douglass Cassel. The center conducts academic and practical work in support of internationally recognized human rights, democracy, and the rule of law. It will emphasize a comprehensive, interdisciplinary approach and invite participation by other University departments. Its start-up phase, devoted primarily to organization and planning,

began with its establishment last August and will conclude by year's end. The center's work will be carried out by faculty, staff, and students of Northwestern University, as well as by volunteer lawyers and visiting fellows and interns.

An internationally recognized legal practitioner, scholar, and journalist, Doug Cassel previously directed the International Human Rights Law Institute of DePaul University and has served as consultant on human rights to the United Nations, the Organization of American States, the United States Department of State, and numerous non-governmental organizations. In addition to directing the center, he is teaching human rights law.

The center's advisory committee, currently in formation, already includes an impressive array of distinguished experts, including Richard Goldstone, justice, Constitutional Court of South Africa; Juan Mendez, director, Inter-American Institute of Human Rights, Costa Rica; Thomas Buergenthal, Lobingier Professor of Comparative and International Law, George Washington University; Jerome Shestack, former president, American Bar Association; and John Schmidt, partner, Mayer, Brown & Platt, and former associate attorney general of the United States.

The center hopes to focus its initial activities through several programs, including The Holocaust, Genocide, and the Law; International Justice; The Rule of Law; Globalization and Rights; Democratic Institutions; International Human Rights in the United States; Women's Rights; The Americas; Africa; and National Human Rights Institutions.

Until the Wheels Come Off the Cart

by Zachary B. Silverstein

Over the course of a summer and a semester working in our Legal Clinic, I have seen several things the likes of which I have yet to see in a classroom. Perhaps the most memorable is the gruesome nine-inch scar that snaked along a young man's belly and marked the surgery he had undergone as a result of bullet wounds received in a gang shoot-out. "Sorry, homie," he told me amiably as he lifted up his T-shirt. "But you don't know what it's all about 'til you got one a these." Or the little apartment, teetering on the edge of squalor, where one of our clients lives with his mother and an uncountable number of people. Amid the chaos, a tiny boy dressed in only a diaper repeatedly hiked a large baking potato—as if it were a football—that he had recently freed from a bag lying amid the trash and dirty clothes on the apartment floor. As a clinic student, I have come across scenes like these that range from the dimly tragic to the monstrously comic. But what continues to haunt me, every time I am in court, are the carts.

It is 9:30 in the morning on a weekday at Juvenile Court. The little courtroom is beginning to rustle itself awake. A young prosecutor with very short hair and a lifeless gray suit bangs the courtroom door open, dragging behind him a cart. I hate the carts, I am thinking. The cart is a spacious but simple metal basket on wheels. Nothing to it, really—and the public defender, already situated at her table in the courtroom, has one, too. I hate the carts because they contain so many soulless manila files, one for each clinic client and everyone else who stands accused of criminal wrongdoing. Lord, I think to myself, please don't let me be a forgotten name, scribbled on a police report, hidden deep inside a faceless manila folder in one of those carts. As the cart rolls into the courtroom, so turn the wheels of what passes for justice here.

But there's no time to think about that now. The courtroom has sprung to life, the sheriff announces, "All rise," and court is in session. Before long, the clerk calls the name of one of our clients. I have not worked much on this client's case before today and I hesitate a moment when his name is called. "Northwestern?" the clerk persists. I hurry up to the bench and take my position next to Johnny B. and before the judge. The state's attorney has pulled Johnny's folder out of the cart. He looks at it for a moment and then updates the judge on Johnny's case.

Under Rule 711 of the Illinois Supreme Court, third-year law students who work for organizations such as the Northwestern Legal Clinic may obtain a temporary attorney's license. This "711 license" allows us to practice law under the supervision of a member of the Illinois bar. For most of us, the 711 license is the first real personal experience we have with the powers and responsibilities society grants to attorneys. Although most of us are acutely aware of our limitations as neophyte attorneys, the powers of a licensed student attorney are real. Not only will the guards at the Juvenile Court building waive you in past the long lines of people waiting to pass through the metal detectors, but a judge will sit quietly (all right, sometimes) as you argue your client's case before her.

Your actions can have bite out of court, too. Recently, when a state official refused to conduct a court-ordered administrative hearing to determine whether our client would be placed in a facility as an alternative to being sent to the Department of Corrections, another student and I filed a motion asking the presiding judge to hold the official in contempt of court. One week later, as I prepared to argue the motion in court, I was informed that not only had the state official changed his mind, but that all parties involved had come to an agreement that our client should in fact be placed in the alternative facility at the county's expense. I will never know for sure whether our motion helped the state official to change his mind. But I can't help thinking that the work Kristen Belcher and I did had some positive impact on our client's best interests.

Of course, in addition to this newfound sense that one can have an impact as an attorney, there is an accompanying sense of responsibility. One feels quite acutely all of the pressures that go along with being the zealous advocate for his client that our code of ethics requires: the required preparedness, necessary availability, and the essential knowledge of areas of law that still seem very new and more than a little vague. But there is another aspect to the clinic student attorney's responsibility for which no one ever really prepares you. I think of it as the underside of an attorney's responsibility.

You feel the underside of this responsibility when you walk into a holding cell behind the courtroom in Cook County Criminal Court and three or four inmates, locked behind bars, start clambering through the crowd in order to get your attention. "Hey, man, I need to talk with you! Hey, you gotta help me out. . . ." Or when you go to visit your client before his court appearance in the holding room at the juvenile court, and the same thing happens. "Can I talk with you?" A boy is mouthing the words through the thick glass and gesticulating

Continued from page 11

wildly. And again, when you make your way out from visiting your client in the Cook County Jail: As the door of the elevator that will rescue you from the dank smell of the jail cells begins to close, an inmate pleads, "Can I just get your card? I need a lawyer." This repeated plea for help, from people who don't know anything about you other than that you appear to be a lawyer, exposes you to another expectation. It is the expectation—if somewhat hopeless—of a whole group of people who don't care about your grades, who will never make it to your graduation, and who could care less which Chicago law firm is keeping pace with New York firm salaries these days. It is the expectation that you, or someone who dresses like you, might be, could be, has to be that vital link between an accused person and whatever it is we mean by "justice."

There is irony here. Even as people think I have some power as an attorney, I start to feel small. As people clamor for assistance that I cannot give, as I pick out individuals who appear to need help from a limitless supply of faces, I become aware of how many people out there feel like they need legal representation so badly that they will beg an inexperienced, third-year law student for help. For a cart he doesn't even carry. I start to feel a certain awful, creeping kinship with the prosecutors and the public defenders who push and pull those carts around day in and day out, in courtroom after courtroom. Those carts that represent just how innumerable our social problems are, just how overburdened the criminal justice system is, and how unwieldy, weighty, and resistant to change these problems and the system are. In the face of all this, I feel so small.

I am in adult criminal court now, waiting for our chance to go before the judge. I watch as the prosecutor pulls a manila folder out of her cart and begins reading from a police report inside it. I mean, this is her argument. "Your honor, on June 18, 1998, the defendant did unlawfully and without legal justification assault the victim . . ." Her verbatim reading of the report makes it clear that she has not reviewed this file until this very moment.

And the wheels of justice turn.

Third-year student Zachary B Silverstein is a graduate of Yale University.

The Advantages of a Clinical Education

by Cathryn E. Stewart

Reflecting on the past two years, I realize that my clinical education gave me a distinct advantage over my peers. After graduation from law school, I became associated with a six-person firm specializing in criminal defense and civil litigation. While I was certain that my experience in the Legal Clinic would contribute to my success as an attorney, I did not know the extent to which that was actually true. In reality, my clinic education proved invaluable in all aspects of my practice of law, including, surprisingly, civil litigation. I could write about how the clinic assisted the development and refinement of important skills such as trial advocacy, research, and writing. However, I choose to focus on the less tangible, but equally important ways in which my clinical education contributed to my success as an attorney.

The most obvious advantage my clinical education gave me was a familiarity with the court process. Unlike most other recent law school graduates, by the time I appeared before a judge as an attorney, I had already appeared before several judges and thus did not experience the angst that is typically associated with newcomers. In having this confidence, I remained focused on the issues before the court and articulated my position clearly. In addition, I knew firsthand that one cannot always anticipate what will occur in court and thus was less flustered when the unexpected occurred. In knowing that a strange twist of events was not necessarily due to any oversight on my part, I was able to adjust to the development and deal with it promptly and with some degree of sureness.

This confidence extended into the halls of the court. One of the greatest obstacles facing new attorneys is that they are often treated as such. Opposing counsel, state's attorneys, even other defense attorneys are often patronizing when they discover that they are dealing with a recent law school graduate. Some attorneys attempt to capitalize on inexperience by justifying delays ("This is the way things happen here"), denying the existence of documents, or telling you that your requests are unreasonable ("No one ever asks for that"). In criminal court, I was able to combat this with ease: I knew what documents were available and the typical time it took to acquire those documents. I knew when I could (and should) go to the judge with discovery complaints. I knew what to ask the Chicago police to determine whether I had been given all of the relevant documents. I knew to ask the courtroom clerks and public defenders questions. Most importantly, I made sure the assistant state's attorneys

with whom I dealt knew I knew all of this. I cannot overstate the advantage this gave me in the discovery phase and in negotiating plea agreements. This confidence served me in similar ways in dealing with opposing counsel in civil litigation.

My clinic experience taught me that every disagreement does not have to turn into a huge battle. This is a lesson that every new attorney has to learn. At the beginning of my third year of law school, I was convinced that every assistant state's attorney was hiding crucial information, was counseling witnesses not to talk to me, and was in general working against justice. Any time we disagreed I was always ready to take the issue straight to the judge, so that he could see how unreasonable the assistant state's attorney was, countered by my obvious pragmatism and righteousness. I am grateful that I learned the error in this attitude without alienating too many attorneys and angering too many judges. Young attorneys are too ready to fight. We believe that if we back down when we are obviously correct, we are seen as weak. In reality, we are seen as unreasonable by both opposing counsel and the presiding judges. When there is an issue that is truly worthy of a fight, we have a greater success at winning if we have chosen our battles carefully. While I did not appreciate the lesson at the time, I recognized its value once in the private arena.

Working at the clinic also developed my investigation techniques. In addition to the knowledge I gained from the clinic professors, I learned a great deal from my case team members. Students who are exposed to criminal cases for the first time are naturally willing to take more risks and try new things. For example, if one talks to a seasoned defense attorney, he will inevitably be told not to bother calling the investigating officer assigned to the case, because "cops never talk to defense attorneys." Members of my clinic team had never heard "no comment" from police officers and thus felt that they had nothing to lose by calling them. More often than not, the police actually talked (granted the value of the information varied). In my private practice, I continued to call on the investigative police officers and, more often than not, they talked to me. This is tremendously helpful not just in preparing my case, but in negotiating pleas. Having an arresting officer say that your child client "isn't a bad kid" or "wasn't really at fault" can go a long way with a state's attorney or judge.

Similarly, as clinic students we always went to the scene of the alleged offense. Most defense attorneys do not have the time to do this. I always make time, as I discovered that even if you cannot use the specifics of a location for impeachment purposes, a visit to the scene gives you insight that cannot be

gained from a written description. Moreover, I have noticed a definite shift in attitude by police officers and state's attorneys when I tell them I have been to the scene. In addition, given the fact that the assistant state's attorneys usually do not have time to visit the scene, the fact that I did sometimes has a "psych-out" value in that I know something that they don't. Finally, a visit to the scene enhances communication with your client about the events and gives them greater confidence in your work.

Moreover, the clinic showed me the value of treating every case as equally important. On several occasions in private practice, opposing counsel asked, "Why are you making such a federal case out of this? This isn't a murder case; this isn't a million dollar lawsuit." My response is always the same: "Because it is a federal case to my client." While the realities of private practice mean that you don't have the same amount of time that was available in law school (or the same amount of people assisting you), going what is deemed the extra mile is worth it. The work ethic I developed in the clinic resulted in better dispositions for my criminal clients, larger settlements for my civil clients, and a greater sense of accomplishment for me.

Finally, the contacts that I developed in the clinic were of great use in private practice. I have a list of people with whom I dealt, co-counsel, opponents, even judges, with whom I still consult. A reminder that I worked with (or against) them while a student at Northwestern Legal Clinic always assures a return phone call. These people serve as great sources of information, support, and other contacts, which is invaluable in the Chicago practice of law.

I am certain that my clinical education contributed to my success in private practice in countless other ways. I think it was the most singularly valuable aspect of my education at Northwestern. I developed great trial advocacy skills, excellent writing skills, a heightened level of confidence, and a tremendous appreciation for the value of teamwork, professional ethics, and the practice of law in general.

Cathryn E. Stewart '96 recently joined the clinic faculty as a senior lecturer. She is currently working on a project with Bruce Boyer in which they are assessing the current models of representation in the Cook County Abuse and Neglect Court. This project was commissioned and funded by the Chief Judge of the Circuit Court of Cook County.

Status Report

Clinic Remains Active in Death Penalty Cases

Under the leadership of Tom Geraghty and Larry Marshall, students have been involved in a number of death penalty cases.

■ The Orange case presents the important issue of whether the pattern and practice of police torture in Area 2 will be admissible to support our client's persistent claim, one that he made when he was first brought before a judge in 1984, that he was electroshocked by his police interrogators. The clinic was able to convince a post-conviction hearing judge to vacate a death penalty and grant our client a new sentencing hearing. However, the same judge denied relief on a claim that our client's confession was coerced by police torture. The clinic has appealed the dismissal of the coercion claim to the Supreme Court of Illinois. Students are heavily involved in the preparation for the sentencing hearing, which should take place in spring 1999. The post-conviction judge and the Supreme Court of Illinois must decide how to proceed given the fact that one portion of this case (the sentencing hearing) is pending in the Circuit Court, while the other portion of the case (the coercion claim) is in the Supreme Court of Illinois.

■ In another death penalty case, *People v. Dino Titone*, the clinic obtained a new trial based on the fact that the client was convicted and sentenced by a corrupt judge. Titone was recently tried and convicted again (represented this time by a lawyer retained by his family) and received a sentence of natural life.

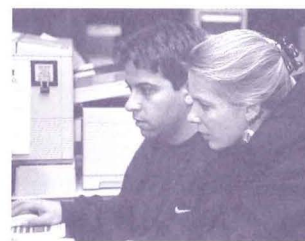
■ Finally, in another death penalty case, *People v. Scott Kinkad*, the clinic won a new trial for a defendant who pled guilty and sought the death penalty. Clinic students and lawyers discovered that our client was taking Thorazine at the time of his plea. The case is now set for trial in Mason County, Illinois. The clinic is assisting new trial counsel in the preparation of the case for trial.

Clinic Appeals Juvenile Court Conviction of 11-Year-Old

The clinic handled the appeal of an 11-year-old boy who was convicted in juvenile court of the brutal murder of an 83-year-old woman. The only evidence against the child was an oral statement that was not corroborated by the physical evidence at the crime scene. Trial counsel for the minor failed to move to suppress these statements, and the trial court did not hold a voluntariness hearing to determine whether the statements were coerced. On appeal, the conviction was affirmed in a close 2-to-1 decision with Justice Warren Wolfson dissenting.

After losing the appeal, the clinic enlisted the help of the Chicago law firm Jenner & Block to prepare a petition to appeal before the Illinois Supreme Court. Monica Vaca '97, who worked on the appeal, wanted to continue with the case while employed at Jenner & Block as a summer associate. Jenner & Block agreed to co-counsel the case with the clinic.

After the Illinois Supreme Court refused to take the case, Jenner & Block agreed to continue working on the case. In September 1998, a federal petition was filed challenging the constitutionality of the confession and the juvenile court conviction. This federal case commanded



national attention when it was discovered that the same detective who obtained the client's confession also obtained the confessions from the seven- and eight-year-old boys who were initially charged with the murder of Ryan Harris. Prosecutors for the Harris case were forced to drop the charges (see activities update for Steve Drizin for further elaboration). The confession in the clinic's case was obtained under strikingly similar circumstances.

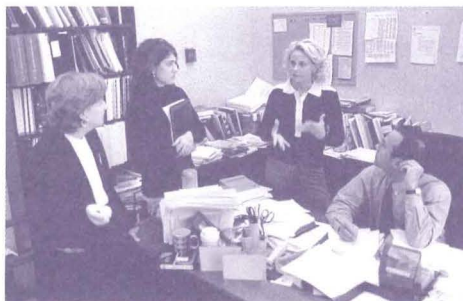
Clinic Wins Transfer Case

Clinic lawyers Steve Drizin and Tom Geraghty and students Maria Minor '98, Will Rhee '98, Angela Daker '98, and Bil Barnes '99, recently won a significant transfer case. The client, a 12-year-old boy, was charged with arson and murder. The state alleged that he set a fire in an apartment building at the request of an older gang member who was angry at a resident of the building for interfering with his drug trade. Tragically, an elderly woman died in the fire. Several tenants of the building were injured when they jumped from windows to escape the fire. The client, who denied setting the fire, had an I.Q. of 54. He also had a rather extensive juvenile court history. The state's evidence against him consisted of his alleged oral statement to the police indicating that he was nearby when a friend went into the building and set the

fire. His friend told the police that the client set the fire. The adult who allegedly commanded that the fire be set was also apprehended and is awaiting trial in criminal court.

After an extensive hearing that took place during the spring and summer of 1998, the judge first ordered the client to be tried in juvenile court. In response to post-hearing motions, the judge vacated his order and sent the case to another juvenile court judge for a new transfer hearing. At both hearings, the child's probation officer, the court psychiatrist, the court psychologist, and our privately retained psychiatrist recommended that the client not be transferred. He had limited intellectual capability; he had responded well to the services available in the Cook County Juvenile Temporary Detention Center. After hearing the evidence presented at the second hearing, the judge denied the state's motion to transfer.

The students and faculty in this case conducted an extensive investigation of the facts, marshaled and presented the expert testimony in opposition to transfer, and prepared and presented opening statements and closing arguments. The hearing was conducted primarily by



Angela Daker and Bil Barnes. The case is now set for trial in Juvenile Court.

The students assigned to this case, in addition to using and honing their trial skills, became expert in the psychological and psychiatric issues in the case. In addition, they became knowledgeable about the resources available for "rehabilitation" in the juvenile justice system and the extent to which their client could benefit from those services. As the result of their involvement in this case, the students also confronted difficult juvenile justice policy issues such as whether children should be tried as adults and how the "transfer" decision should be made. The case was a self-contained course on juvenile justice.

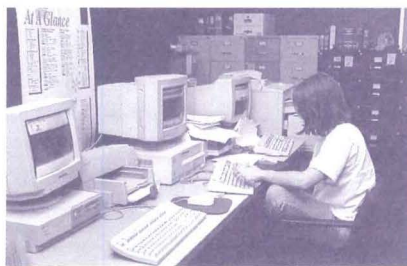
Clinic to Challenge Fitness of Nine-Year-Old to Stand Trial

The clinic represents a nine-year-old charged with murder in a case to be tried in juvenile court this spring. Prior to trial, the court has ordered a fitness hearing to determine whether the client understands the nature of the charges against him and whether he can cooperate with counsel. In addition, there will be a hearing to determine whether he had the capacity to understand his right to remain silent and to waive *Miranda* rights. The clinic defense team, under the leadership of Angela Coin, retained the services of a leading forensic psychologist who found the client unfit to stand trial. The state

has retained a psychiatrist who has concluded that the client is fit to stand trial.

This case presents cutting edge issues concerning the competence of children to stand trial, not to mention the question of whether children of such a young age should ever be tried for criminal offenses. The capacity of such children to understand and to waive *Miranda* rights is also at issue. As the result of this and other cases in which children have been interrogated by police without benefit of family or counsel, the State's Attorney of Cook County has appointed a commission to investigate police interrogations of very young suspects. That commission is charged with the responsibility of determining whether such children should be charged criminally, and what safeguards should be in place when they are interrogated by the police.

Students and faculty are in the process of preparing expert witnesses to testify at the fitness hearing and at the hearing to suppress our client's statements to police. This case, like the transfer case described above, provides students with the opportunity to participate in cases involving important legal issues, to prepare complex cases for trial, and to interact with leading experts in adolescent psychiatry and psychology.



Faculty News

In October 1998 **Cynthia Bowman** played host to a number of women law professors from Africa who are working with her on an ABA/USIS-sponsored project on developing curricula on women and the law for use in African law schools. The visitors also consulted with Tom Geraghty, Cheryl Graves, Bernardine Dohrn, Vanessa Melendez, and Doug Cassel of the Legal Clinic and visited the Cook County Juvenile Court and the Metro Y sexual assault victims' support project. Bowman traveled to Ghana in early December to direct a workshop on curriculum for women and the law, attended by women from other African countries as well as Ghanaian women's rights activists, and hopes that a book of materials will ultimately result from the project. Also as a result of the African law professors' visit to Northwestern, Bowman developed a new course entitled International Team Project: Ghana, which is described elsewhere in this newsletter.

Bruce Boyer continues his work on behalf of children and families on the neglect and abuse side of the Juvenile Court of Cook County. Boyer is currently working on a research project, funded by the Circuit Court of Cook County, designed to assess the adequacy of legal representation offered to parties in child welfare cases. Boyer is being assisted in this project by Cathryn Stewart '96. In addition, this past January, Boyer served again as program director for the Training the Child Advocate Program, an intensive trial skills training course jointly sponsored by the Law School and by the National Institute for Trial Advocacy.

Bob Burns won his third teaching award in as many years: Students voted him the Robert Childres Memorial Award for Teaching Excellence for the second time in the last three years. Princeton University Press will publish his new book, *A Theory of the Trial*, in the spring. He recently published *Evidence in Context* and a second edition of *Problems and Materials in Evidence* and *Trial Advocacy*, both with Steve Lubet as co-author. A second edition of *Exercises and Problems in Professional Responsibility*, with Lubet and Tom Geraghty, is due soon. About 30 schools have adopted one or more parts of the series.

Angela Coin is working on the expanded Children's Law *Pro Bono* Program, litigating serious offenses for some of the youngest children charged in the court, and providing basic legal advice and assistance to low-income families at the Community Law Clinic, the near west satellite office of the Northwestern University Legal Clinic. Along with students and volunteer attorneys Coin has been providing legal advice to families from the West Town location. In juvenile court, Coin and her students are currently representing a 14-year-old boy accused of first-degree murder.

Bernardine Dohrn continues her work as director of the CFJC. She currently serves on the board of directors of the Erikson Institute, the Chicago Reporter, and the Violent Injury Prevention Center of Children's Memorial Hospital. Dohrn is a member of the Expert Work Group for the Adoption 2002 Project of the U.S. Department of Health and Human Services, and a member of the Domestic Violence/Child Abuse Working Group of the National Council of Juvenile and Family Court Judges. She participated in the Fordham

Conference on Ethical Issues in the Delivery of Legal Services to Low Income Persons. She is a board member of Human Rights Watch Children's Rights Project and the Midwest Coalition for Human Rights, and serves on the board of the Peace Museum. Last year, Dohrn visited South Africa and Vietnam to gain cross-cultural perspectives on children's human rights and legal issues. She is on the Executive Committee of the Children's Court Centennial Commemoration and serves on the Citizens Committee for the Juvenile Court.

Steven Drizin is working with Bernardine Dohrn and Christina Gabriel Kanelos '96 in coordinating the CFJC's juvenile court centennial activities. In addition to these centennial activities and his ongoing caseload, Drizin has written several op-ed articles that appeared in the *Chicago Tribune*, *Chicago Sun Times*, and the *Chicago Daily Law Bulletin*, and has appeared on numerous television and radio shows about juvenile justice issues. In particular, he has been a frequent source for comment on a Chicago case involving a seven- and eight-year-old boy who were charged with first-degree murder in connection with the death of 11-year-old Ryan Harris. Charges against the boys were later dropped when police discovered semen at the crime scene. It was determined that boys so young could not have produced semen. Drizin has appeared on the *News Hour*, *Chicago Tonight*, *ABC World News Tonight*, *CNN's Headline News*, National Public Radio, WBEZ, and other television and radio outlets in connection with the Ryan Harris case.

The Ryan Harris case exposed many flaws in the juvenile justice system, especially in the way the police, the State's Attorney's Office, and the courts handle cases involving younger children. The case has led Drizin to step up his advocacy efforts on behalf of children and has allowed him to expose many of the flaws in the current system to the general public. He hopes that through his work and the work of many others, new legislation will be proposed and passed that will make the juvenile justice system fairer for all Illinois children.

John Elson taught first-year Civil Procedure this year. He also supervised students in cooperation with attorneys at the Legal Assistance Foundation of Chicago and continues to work on an important case involving access of Chicago Public School students to special education services in the least restrictive environment. In addition, he works on cases involving lawyer misconduct in domestic relations cases. Elson serves as co-chair of the Chicago Council of Lawyer's Committee on Lawyer Discipline.

Derrick Ford has continued his work on behalf of children in delinquency cases with special emphasis on children with special education needs. He is also active in the representation of children in immigration and asylum cases. This semester his students will be working closely with the Chicago Board of Education to arrange the delivery of appropriate special educational services for approximately 300 eligible minors currently residing at the Juvenile Temporary Detention Center. The clinic has filed several administrative actions against the Chicago Board for their continued failure to fulfill the federally protected education rights of these incarcerated minors

with special needs. Targeted goals of these lawsuits include employing more special education certified teachers and teachers' aides, speech-language aides, social workers, and school based psychologists. Individually, compensatory educational services to make up for the lack of any meaningful educational program at the JTDC are being sought for these minors upon their release.

Tom Geraghty continues to supervise students on delinquency cases in the Juvenile Court of Cook County and on death penalty cases. In juvenile court, his students have been addressing the problem of obtaining critically needed social and mental health services for children whose delinquency stems from educational and psychological deficits.

Geraghty served on the planning committee for the second annual National Juvenile Defender Summit, held at the Law School in October. The summit was attended by 250 lawyers from around the country. At the National Conference on the Wrongfully Convicted and the Death Penalty, he made presentations on the monitoring of police and prosecutorial misconduct and on developing resources and training for lawyers who represent clients in death penalty cases. Geraghty continues to direct the Midwest Regional Session of the National Institute for Trial Advocacy (NITA), which hosted a record number of participants last year, as well as NITA's Training the Child Advocate Program held at the Law School in January. He has recently appointed to the board of directors of the Chicago Area project.

During 1998 he published "An Introduction to the Symposium on the Future of the Juvenile Court," *Journal of Criminal Law and Criminology*, with Steven Drizin; "Justice for Children: How Do We Get There?" *Journal of Criminal Law &*

Criminology; and "Learning From Tragedy: Representation of Children in Transfer and Waiver Proceedings," *Wake Forest Law Review*, which he co-authored with Will Rhee '98. The spring 1999 edition of *The Chicago Bar Record* includes his article "Centennial of the Juvenile Courts: What Would Jane Addams Think?"

Geraghty was also a member of the faculty in two training programs, sponsored by the Federal Defender Program and NITA, for lawyers who represent condemned prisoners in state and federal post-conviction proceedings. These programs, which were held in Philadelphia and in Knoxville, teach investigation, fact gathering, and advocacy skills. Tom also taught in a teacher training program for Department of Justice lawyers at the National Advocacy Center in Columbia, South Carolina.

Cheryl Graves is an attorney with the CFJC. Since 1993 she has been engaged in the representation of children in juvenile justice proceedings and administrative matters. As part of her efforts on behalf of children and families, she has worked with a number of community-based and advocacy organizations in Chicago to develop alternative juvenile justice and delinquency prevention programs. These programs include the Street Law Peer Education Project, a law-related education program aimed at preventing recidivism among juveniles; Girl Talk, a weekly program for girls incarcerated at the Cook County Juvenile Temporary Detention Center focusing on gender-specific issues; and Community Panels for Youth, a community-based juvenile court diversion

program based upon a balanced and restorative justice model. During the summer of 1998, Graves traveled to South Africa with a delegation of 12 youths and adults to demonstrate the law-related peer education and community panels models to corrections officials and political leaders interested in implementing such programs in the new South Africa. Her work with students involves them in both direct client representation and advocacy/policy initiatives affecting juvenile justice issues.

Graves received her bachelor's degree from Carleton College, a master of public health degree from the University of Illinois, Chicago, and a JD from Illinois Institute of Technology Chicago Kent College of Law in 1984. Her legal work has been focused in the area of public interest law. She has worked with the Legal Assistance Foundation of Chicago, the Office of the Cook County Public Defender and Access Living, an advocacy organization for people with disabilities.

Zelda Harris accepted an offer to teach at the University of Arizona School of Law, leaving a legacy at Northwestern of superb teaching and outstanding advocacy. We miss her. We are grateful, however, that she will return regularly to Chicago to continue her work as a co-team leader in the Midwest Regional Session of NITA. At Arizona, she heads the domestic violence clinic.

Steven Lubet's latest book, *Expert Testimony: A Guide for Expert Witnesses and the Lawyers Who Examine Them*, was recently published by NITA. His earlier work, *Modern Trial Advocacy*, has been adopted by over 70 law schools and scores of CLE programs. He attributes the success of his books to "the inspiration that I have been able to draw from the many outstanding lawyers who teach in Northwestern's Trial Advocacy program. In many ways, my books represent a distillation of their wisdom, skills, and judgment." Graduates of the program should be happy to know that the "Northwestern model" of advocacy training is spreading across the country.

Monica Mahan continues to be an active member of the steering committee of Girls Link, a collaboration of public and private agencies working to provide services to girls in the Cook County juvenile justice system. Additionally, she is assisting in the monitoring of the Hill/Erickson consent decree that requires the Illinois Department of Children and Family Services to deliver appropriate services to pregnant and parenting teen DCFS wards.

Mahan is also working on a project to assist the juvenile court in establishing protocol for case closure for teen DCFS wards that will insure that youth will have housing, education, and health needs addressed before being emancipated from court jurisdiction.

She reports that "The CFJC continues to be a fieldwork placement for MSW students from Loyola School of Social Work. The social work students are teamed with the law students on our juvenile court cases; many of the children come from troubled families where housing, employment, and education issues need attention in addition to the legal issues. Law and

social work students learn together how to approach these difficult cases with supervision from both professions."

Larry Marshall conceived and led the recent National Conference on the Wrongful Convictions and the Death Penalty. The conference, which attracted over 1500 attendees from 40 states and 10 countries, focused international attention on the defects of our justice system that cause wrongful convictions. It was, perhaps, the most noteworthy event ever held at the Law School. Speakers at the conference included, in addition to those wrongfully convicted and sentenced to death, Anthony Amsterdam, Bryan Stevenson, Steven Bright, Michael Tigar, and Jesse Jackson Jr. Marshall continues his work on behalf of the wrongfully convicted, representing clients on death row and consulting with lawyers around the country on cases in which claims of innocence are raised.

Vanessa Melendez, a graduate of Fordham University School of Law, has joined the clinic as a senior lecturer. Previously, Melendez served as staff attorney at the Robert B. McKay Community Outreach Law Program of the Association of the Bar of the City of New York, where she supervised volunteers assisting clients through the Immigrant Women's and Children's and Refugee projects. Melendez is providing services for immigrants seeking asylum, particularly women and children. Her program involves students in casework with women and children who require representation in immigration and asylum issues. Students serve as advocates for clients applying for residency, seeking asylum, or in the midst of removal proceedings.

Ora Schub is an attorney recently hired by the CFJC to represent children and adults in domestic violence proceedings, immigration asylum cases, and other children's law cases. She supervises law students in their work on these cases.

Schub is currently developing and coordinating the Connections Project, working with foster care youth in independent living to access information and resources and focus on issues that critically impact their lives. She is working with the Community Justice Initiative, Girl Talk, and other community youth-based programs. Additionally, she is working with various human rights organizations on human rights issues of unaccompanied minors.

Prior to coming to Northwestern, she headed the Adult Disabled Division of the Public Guardians Office, supervised the Advocacy and Deaf Services Program at Access Living, a disability rights organization, and worked as a staff attorney with the Legal Assistance Foundation of Chicago and with the Criminal Defense Consortium. During this time Schub was president of the United Legal Worker's Union and the Chicago Chapter of the National Lawyers Guild. She also helped to create the first Misdemeanor Domestic Violence Court in the country.

Schub is presently a member of the National Lawyer's Guild and the advisory board of the Arab American Action Network and has participated in several human rights delegations to the Middle East.

Bob Burns's New Book To Be Published by Princeton

Bob Burns's talents as a teacher and scholar are evident in his forthcoming book, *A Theory of the Trial*, to be published by Princeton University Press. The book is a rich and complex analysis of the trial, integrating Burns's knowledge of philosophy and social science with his practical experience as a trial lawyer. The first paragraph of the book's introduction provides a preview:



"This book grew out of a long attempt to understand an epiphany, one I have experienced and that seems often to occur in American trial courts. In the course of trial, there emerges an understanding of the people and events being tried that has a kind of austere clarity and power. This experience surprises and 'elevates' the participants, including the jury. The grasp of what has occurred and what should be done seems to have a kind of comprehensiveness, almost self-evidence, of which it is extremely difficult to give account. It involves factual and normative determinations of very different kinds. The evidence and legal doctrine do not together determine the result in any logical sense, there is considerable freedom at play, yet the best course is apparent. The certainty that emerges is often less about the accurate representation of a past event—what I call a 'screenplay'—than it is a kind of knowledge of what to do. Judgment as it occurs at trial is a kind of skillful performance of a particularly complex kind. And those in a position to know seem almost universally to agree that the level of performance, day in and day out, is very skillful indeed."

Photos by Jim Ziv and Diane Schmidt



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Professor Lawrence Marshall looks on as Rolando Cruz, whose conviction and death penalty sentence was successfully overturned through the efforts of Marshall and Northwestern Law students, is embraced at the National Conference on Wrongful Convictions and the Death Penalty.