

News & Notes

Northwestern University School of Law

Spring 2005

Entrepreneurs Find Legal Expertise at Bluhm Legal Clinic's Small Business Opportunity Center

While small start-ups continue to come to the Small Business Opportunity Center (SBOC) for legal help, the SBOC lately has been attracting larger established enterprises as well.

"As we have become better known throughout the Chicago area, our clients have become more sophisticated and more substantial," said Thomas Morsch, clinical professor and Hochberg Family Director of the SBOC. "We are delighted with this development because clients of this type provide such excellent preparation for students entering careers in transactional law at top firms."

One such student is Jeff Ellis (JD-MBA '05), who will work in corporate law at Skadden, Arps, Slate, Meagher & Flom after graduation in June. Ellis's SBOC assignment was with Oronova, a company which provides information technology outsourcing services.

Company president Art Cantrambone sought the SBOC's help with a new software product, Oronova IDEA, a web-based application used by private investigation firms to transmit information from investigators in the field to insurance companies.

"Oronova is the perfect type of client for the SBOC," Ellis said. "It's a small, up-and-coming family enterprise that can better use its cash to invest in the business than on legal fees."

Ellis, with backup from Morsch, helped Cantrambone "sort through a laundry list of legal issues" regarding Oronova IDEA such as licensing, trademarks, employee relations, patents, contracts, and privacy. Not all required immediate attention, and some could be dismissed outright.

"We put Art's mind to rest on issues that had been nagging at him," Ellis said. "Providing peace of mind can be just as important as more active legal work."

Ellis's more active legal work involved investigating what the company needed to do to comply with the Health Insurance Portability and Accountability Act (HIPAA).

"When I started my research, I didn't even know what HIPAA stood for," Ellis said. "By the time I was done, I understood it very

well and was able to make a confident recommendation to the client. This taught me that a legal education has equipped me to find answers on my own and to understand just about anything if I take the time to figure it out."

The clinic's nonprofit clients, who account for about 25 percent of the work, are also becoming more substantial, giving students the opportunity to wrestle with complex tax and regulatory issues. Many have asked for help in forming for-profit affiliates or joint ventures. The Lawndale

Business and Local Development Corp., for instance, sought legal advice about partnering with other nonprofits and public agencies to transform an abandoned U.S. Army facility into a job training center and small business incubator. In another initiative, the SBOC Student Board, which helps run the program, is investigating how the center might assist small business owners in the predominantly Hispanic Pilsen/Little Village community.

The SBOC still gets plenty of business from more traditional clients, usually small start-ups owned by women and minorities. For instance, it is working with New Horizons MD Instruments, which is owned by two Asian Americans and an African American and is in the process of qualifying as a minority business enterprise. The company



An SBOC student meets with clients. Clockwise from far left: Garrick Isert (JD-MBA '05), Art Cantrambone (Oronova, Inc.), Mark Gallagher (independent software consultant), Katlin Rodriguez (Kat-Systems, Inc.), and Tom Morsch.

The Clinic As A Public Interest Law Office

Thomas F. Geraghty, Professor of Law, Associate Dean of Clinical Education, and Director, Bluhm Legal Clinic

Many of our accomplishments over the past year underscore the fact that the Bluhm Legal Clinic is a comprehensive public interest law office that involves students and faculty in a range of activities, including representing individual clients and advocating for legal reform. Often the lessons learned from representing individuals in need inform our decisions on policy initiatives. We value working on a local, national, and international scale and collaborating with other law schools, legal clinics, public interest law offices, and international non-governmental organizations.

Some of the most important activities of a public interest lawyer are identifying, finding funding for, and implementing new projects. No one understands this better than Larry Marshall, who established the Center on Wrongful Convictions at the Bluhm Legal Clinic in 1998. As you may know, Larry has moved on from Northwestern Law to become a professor of law and director of clinical programs at Stanford University. We will miss Larry and his ability to inspire and to lead. We wish him well in his new endeavor and I am pleased to announce that Steven Drizin, clinical professor and assistant director of the Bluhm Legal Clinic, will take over as Legal Director of the Center on Wrongful Convictions. Steve will build on Larry's legacy and spirit and will continue the mission of the center, working with faculty, staff, and students to seek out new opportunities to make a difference in the criminal justice system.

Within each specialty of public interest law, there are limitless areas of need, and each area spawns limitless possible approaches. In addition to learning how to represent clients, our students learn about conceptualizing and setting up programs that will provide services and/or improve already existing methods of solving problems.

Taking an active and hands-on approach, the Bluhm Legal Clinic provides an outstanding setting for learning and for making a difference. The richness of our programs is the result of the creativity and hard work of our clinical faculty, staff, and students. It is a privilege to work with such talented and dedicated colleagues.



Tom Geraghty (photo by Jim Ziv)

Drizin Named Legal Director of Center on Wrongful Convictions Following Marshall's Departure

Steven Drizin (JD '86), a leading authority on police interrogations, coerced confessions, and the juvenile death penalty, has been named legal director of the Bluhm Legal Clinic's Center on Wrongful Convictions (CWC).

Drizin succeeds Lawrence C. Marshall (JD '85), who recently accepted an offer to join Stanford University's law school as director of clinical programs.

During his 18 years teaching at Northwestern Law, Marshall was not only a beloved professor but also a pioneer in clinical legal education and justice system reform.

"Through his leadership of the Center on Wrongful Convictions, Larry contributed as much to the national debate about the quality of justice in America as he contributed to the development of the Bluhm Legal Clinic as a leader in reforming the criminal justice system," said Tom Geraghty (JD '70), director of the Bluhm Legal Clinic.

The CWC staff unanimously nominated Drizin to replace Marshall, according to Rob Warden, who co-founded the Center on Wrongful Convictions with Marshall in 1999 and serves as its executive director. Marshall also enthusiastically endorsed Drizin.

"Steve is an extraordinary lawyer, scholar, and human being," said Marshall, who will serve on the CWC's advisory board. "It gives me great confidence to know that the future of the Center on Wrongful Convictions is in his able hands, together with the continued leadership of Rob Warden and the outstanding lawyers and staff who have made the center what it is."

Drizin's collaboration with fellow attorneys and students in the Children and Family Justice Center, as well as with a number of organizations, including the American Bar Association, the Juvenile Law Center, and Amnesty International, played an integral role in the movement that led to the Supreme Court's recent decision to abolish the juvenile death penalty.

"Steve Drizin's leadership is sure to further enhance the groundbreaking policy initiatives and justice reform efforts of the great team that we have in place at the Center on Wrongful Convictions," said David E. Van Zandt, dean, Northwestern University School of Law. "Steve is tenacious in pursuing his goals and brings an abundance of energy, enthusiasm, and excellence to all that he does."



Steven Drizin (photo by Jim Ziv)

Entrepreneurs Find Legal Expertise at Bluhm Legal Clinic's Small Business Opportunity Center

Continued from page 1

imports medical equipment and supplies to resell in the United States.

Curt Goldman (JD-MBA '05) helped New Horizons with intellectual property services agreements, a U.S. distributor agreement with a supplier in Pakistan, and a shareholders agreement. He also researched whether New Horizons, the Pakistani firm's exclusive U.S. resident agent, could enter into distribution agreements with other foreign manufacturers. The company wanted more than one supplier to ensure that orders reach U.S. customers promptly.

"Trying to nail down the law on U.S. resident agent appointment status was a complex task because federal law is not so clear on these types of issues," Goldman said. "When we found that they could have additional suppliers, we advised them to enter into other agreements for now but, once their business matures, discontinue all but their best partnership."

Goldman said the experience felt like practicing law in the "real world."

"It was dealing with real people, real issues, and tangible results," said Goldman, who will work for the firm Shearman & Sterling after graduation. "I felt as though my reputation as well as the reputation of the Law School was on the line every time we gave advice or drafted a document."

"Invaluable" is the word Khalid Waseem, vice president of operations and one of the owners of New Horizons, uses to describe the counsel of the SBOC.

"We knew we needed to use lawyers to incorporate, and we wanted to have access to credible lawyers who would provide services at a reasonable rate," Waseem said. "Tom Morsch and his team were so helpful, and their neutral perspective was priceless. They covered not only what we asked but a lot of things we wouldn't have even thought about."

Waseem said he finds it reassuring that New Horizons can continue to call on the SBOC at any time. "They're part of our process until this corporation closes," he says. "That's the deal, that they'll always be there for us, and it's fantastic."

For more information on the SBOC, visit www.law.northwestern.edu/sboc.



Thomas F. Geraghty, *Director*
Steven A. Drizin, *Assistant Director*
312.503.8576; fax 312.503.8977

Center for International Human Rights

CIHR conducts academic and practical work in support of internationally recognized human rights, democracy, and the rule of law.

Douglass Cassel, *Director*
312.503.2224; fax 312.503.5950;
d-cassel@law.northwestern.edu

Center on Wrongful Convictions

CWC is dedicated to identifying and rectifying wrongful convictions and other serious miscarriages of justice. The center has three components: representation, research, and public education.

Steven A. Drizin, *Legal Director*
Rob Warden, *Executive Director*
312.503.2391; fax 312.908.0529;
cwc@law.northwestern.edu

Children and Family Justice Center

CFJC is a holistic children's law center, a clinical teaching program, and a research and policy center engaged with a major urban court, the Juvenile Court of Cook County.

Bernardine Dohrn, *Director*
312.503.0396; fax 312.503.0953;
TTY 312.503.4472

Fred Bartlit Center for Trial Strategy

The Bartlit Center teaches innovative and technologically advanced trial strategy.

Steven Lubet, *Director*
312.503.6605; fax 312.503.5950;
s-lubet@law.northwestern.edu

Small Business Opportunity Center

SBOC is a student-based clinical program providing affordable legal assistance to entrepreneurs, start-ups, and not-for-profit organizations.

Thomas H. Morsch, *Hochberg Family Director*
312.503.0321; fax 312.503.8977;
small-business@law.northwestern.edu

**To make a gift to the clinic or one of its centers,
please visit www.law.northwestern.edu/giving.**

Governor Pardons Clinic Clients Based on Innocence

In January 2005, Illinois Governor Rod R. Blagojevich pardoned Michael Evans, Paul Terry, and Dana Holland, clients of Northwestern Law's Center on Wrongful Convictions, based on innocence, following the men's earlier release from long prison sentences for crimes they did not commit. The pardons officially removed the convictions from their records and qualified them for restitution. Evans and Holland filed complaints, seeking compensation for wrongful incarceration, in the Illinois Court of Claims in February 2005. Karen Daniel, clinical assistant professor, who represented Evans and Holland in the proceedings that led to their DNA exonerations and in their clemency proceedings, is representing them in the restitution filing.

Judge Denies State's Motion to Transfer 14-year-old to Criminal Court

In January 2005, a Bluhm Legal Clinic—DLA Piper Rudnick Gray Cary (formerly Piper Rudnick) legal team convinced a Cook County Juvenile Court judge to deny the state's motion to transfer a 14-year-old boy charged with murder to criminal court. Tom Geraghty and Carolyn Frazier (JD '02), DLA Piper Rudnick Gray Cary fellow, along with students Amanda Fanaroff (JD '05), Amy Hanf (JD '05), Aliza Kaliski (JD '05), and Ursula Taylor (JD '05) collaborated on the case with Catherine Casey and Joan Ritchey, attorneys at DLA Piper Rudnick Gray Cary. In addition to denying the State's motion to transfer the boy to criminal court, the judge also ruled that the client was not a candidate for extended juvenile court jurisdiction, guaranteeing that he will never be subject to an adult sentence in this case.

Children and Family Justice Center Scores Victories in Asylum Cases

More than two years of hard work by Vanessa Lucas, clinical assistant professor, and Ora Schub of the Children and Family Justice Center, paid off in November 2004, when a federal immigration judge granted asylum to a Chinese teenager whose mother had trafficked her to the United States on two separate occasions. Northwestern Law graduates Christine Evans (JD '02), Allison Chin (JD '03), and Missy Sandberg (JD '03) were invaluable members of this client's team, engaging in extensive factual and legal research. Uzoamaka Nzelibe, clinical assistant professor, and current law students Mariam Ahmed (JD '05), Bethany Nikfar (JD '05), and Kathleen Sanderson (JD '06), successfully presented a compelling case this fall with victorious results.

Center on Wrongful Convictions Seeks to Overturn Beaman Conviction

For the February 2005 post-conviction hearing of Alan Beaman, Jeff Urdangen and Karen Daniel, both clinical assistant professors and staff attorneys in the Center on Wrongful Convictions, filed a 34-page written argument contending Beaman, who was convicted in 1995 and sentenced to 50 years in prison for the 1993 slaying of an Illinois State University student, should be freed because his trial attorney failed to adequately investigate and present evidence that could have bolstered Beaman's alibi. In addition, they stated that prosecutors used false or misleading testimony and withheld evidence that could have cast suspicion on other suspects and undermined the timeline used to convince jurors that Beaman had the opportunity to commit the murder.



Transatlantic Conference Spotlights UN Reform Proposals

Sir David Hannay (pictured) delivered the keynote address at "Reforming the United Nations: The Use of Force to Safeguard International Security and Human Rights," the Fourth Annual Transatlantic Dialogue conference, which took place at the Law School on January 24 and 25. This

event was organized by Doug Cassel, clinical professor and director of the Center for International Human Rights, and was co-sponsored by the Northwestern University Journal of International Human Rights and the Catholic University of Leuven, Belgium. (photo by Jim Ziv)

Student Reflection

Freedom for Beaman

by Jacquie Johnson (JD '05)

"Your Honor, may I proceed?" I could not believe that these words were coming out of my mouth. Outside of an intense semester in Professor Steve Lubet's Introduction to Trial Advocacy program, my courtroom experience was limited to being a spectator. Yet, here I was about to conduct a direct examination in court, on the record, as part of a post-conviction evidentiary hearing. At stake? The freedom of Alan Beaman, a man who had already spent more than a decade in prison for a crime he did not commit. The pressure was overwhelming.

I first became involved in the Beaman case in November 2004, when Professors Karen Daniel and Jeff Urdangen, who have represented Alan for years, asked if I would like to direct examine one of the witnesses at the December 15 hearing. I eagerly accepted and began plowing through the volumes of transcripts, motions, and newly-discovered evidence. As I learned more about Alan's case, I could not understand how he was convicted. Accused of murdering a girl he had previously dated, Alan was tried and convicted solely on the basis of circumstantial and uncorroborated evidence. Not one piece of evidence directly linked him to the crime, nor did the state's theory even allow Alan the opportunity to have committed it. Most importantly, Alan has steadfastly maintained his innocence through all these years.

On the day of the hearing, as I sat at the counsel table watching Karen's and Jeff's skilled examinations, I became increasingly nervous. My witness was the final one for the day, and I knew that the judge would be

going home for the holidays with this case on his mind. My nerves disappeared, however, soon after I started, and all the lessons learned in my Trial Advocacy class started coming back to me. The hearing went well, and I felt optimistic about our chances as we prepared for the follow-up hearing on January 14.

After the January 14 hearing, during which I had the honor of doing another direct examination, I wrote a note to Alan that read, "Things went well today," to which he responded by drawing a big smiley face on the legal pad.

As I walked out of the courtroom with Karen and Jeff, I felt relieved that the hours I spent preparing for the two hearings had come to an end, and that the momentum of the hearings seemed to be swinging in our favor. Most of all, I was excited to have met Beaman in person. When working on a case, it is sometimes easy to read everything like a story, to think of things in an abstract and hypothetical way. As I sat next to Alan during the hearings, I realized that I was sitting next to a man only a few years older than me, who has spent the last decade of his life wrongfully behind bars. The reality of it is overwhelming, but it is also the reason why I have spent my last four semesters working for the Center on Wrongful Convictions.

My most vivid memory from the case is that of Alan's mother approaching me after the January 14 hearing. She walked over and gently pushed something into the palm of my hand — it was a pin that she and the entire Beaman family, as well as Karen and Jeff, wore in support of Alan. She leaned over and softly said, "You deserve this now."

I went home that night feeling honored to have met the Beaman family, to have interacted with Alan, and to have been a part of this whole process. Most importantly, though, I felt a renewed hope that soon Alan would finally get what he deserves — his freedom.

Trial Team Wins Regional Competition

Northwestern Law's National Trial Team, third-year students Brooke Anthony, Sarah Hefling, and Jack Theis coached by practicing attorneys and adjunct professors Dean Polales, Marcia McCarthy, Jonathan King, and Philip Guentert, won the Chicago regional championship in the annual National Trial Competition held February 4 and 5 at the Chicago-Kent College of Law. The team, managed by Steve Lubet, professor of law and director of the Fred Bartlit Center for Trial

Strategy and the Program on Advocacy and Professionalism, advanced to the national competition in San Antonio from March 31 to April 2. (from left: Polales, Anthony, Hefling, Theis)



Children and Family Justice Center Honors Firms, Individuals for Pro Bono Work

In February 2005, the Children and Family Justice Center (CFJC) recognized three Chicago law firms (Vedder Price, Katten Muchin Zavis & Rosenman, and Jenner & Block) for their contributions to juvenile justice as part of the center's Children's Law Pro Bono Project led by Monica Llorente (JD '00), clinical assistant professor. Two Northwestern



Law alumni were also recognized for their extensive pro bono work — Donald B. Hilliker (JD '69) of McDermott Will & Emery LLP and Beth Colgan (JD '00) of Perkins Coie LLP in Seattle. Cheryl Graves (pictured), Director of the Community Justice for Youth Institute, was also honored for developing the Community Justice Initiative (CJI), a city-wide youth advocacy and policy project to combat the criminalization of youth and to train youth as peer educators and organizers. (photo by Jim Ziv)

Featured Programs

Anita Ortiz, Equal Justice Works Fellow

While a student at Northwestern Law, Anita Ortiz (JD '04) worked closely with Vanessa Lucas, clinical assistant professor, to represent women and children seeking asylum in the United States. Her experience revealed to her the many difficulties these two groups encounter in trying to seek refuge and inspired her to apply for a fellowship to continue her work in this area following graduation.

Ortiz is now the 2004–06 Equal Justice Works Fellow for the Children and Family Justice Center. The fellowship is part of a clinic collaboration with Equal Justice Works (EJW), formerly the National Association for Public Interest Law. EJW is a nonprofit organization based in Washington, D.C. dedicated to helping low-income individuals and families. Among its many projects, EJW creates postgraduate public interest jobs through donations from law firms, corporations, foundations, individuals, and the federal government.

“Anita was selected as an EJW fellow last fall in an annual competition that attracts a wide range of extremely talented advocates who possess deep experience and commitment,” said Jennifer Tschirch, senior program manager of the EJW Fellowships Program. “Anita stood out as bright, energetic, and very committed to assisting this highly vulnerable population, and she continues to impress us with her dedication and outstanding advocacy skills.”

Ortiz worked with Lucas to develop a project proposal expanding on the work of the asylum law project. Their Survivors of Torture Advocacy Project focuses on Article 3 of the Convention Against Torture (CAT), which helps individuals seeking refuge in the United States after fleeing persecution in their home countries. Article 3 creates a non-refoulement obligation, which prohibits the United States from returning an individual to a country where it is likely that the refugee will be tortured. CAT protects those who are barred under the asylum statute and have no remaining legal recourse, and it provides an alternative argument for those whose persecution does not fall within the grounds protected under asylum law.

Under asylum law, an individual must show that the motive for persecution falls into one of five areas: race, religion, nationality, political opinion, and/or membership in a particular social group. CAT relief does not require a victim of torture to make this showing. This exemption is especially important for adults and children who are tortured on account of their gender or age, motives not covered under the asylum statute.

“The Survivors of Torture Advocacy Project is an exciting initiative at a time of vigorous public discourse on human rights and the definition of torture,” Ortiz said.

Greenberg Traurig LLP, a law firm based in Miami, is funding Ortiz's fellowship.

“As the largest sponsor of public interest fellowships for Equal Justice Works, Greenberg Traurig has a strong commitment to public service,” said Holly Skolnick, president of the Greenberg Traurig

Fellowship Foundation. “In representing those seeking refuge and safety in the United States, Anita's project furthers the objective of our fellowship program and our continued commitment to public interest.”

Since beginning her fellowship in September 2004, Ortiz has represented a range of clients seeking asylum and CAT relief, from children fleeing street gangs to family violence and individuals fleeing persecution for their sexual orientation, political beliefs, or threats of female genital mutilation.

Ortiz is also collaborating with Jenny Brooke Condon of the World Organization for Human Rights in D.C. to draft a practitioner's guide for applying Article 3 to women and children fleeing torture. They plan to develop a Web site for posting CAT case law and other related materials to assist lawyers across the country who are representing individuals seeking CAT relief.



Clinic Students and Faculty Participate in African Legal Aid Conference

In November 2004, Bluhm Legal Clinic students and faculty participated in the conference, “Access to Legal Aid in the Criminal Justice System,” held in Lilongwe, Malawi. The clinic's participation was the result of contacts made in the course of various projects in Africa sponsored by the Law School and the American Bar Association as well as the Law School's International Team Project.

Candace Chambliss

When clients are impoverished South African farm workers in a nation emerging from apartheid, legal aid takes on extra challenges.

"I learned an incredible amount about what indigent defense involves. More than anything, I wish I could have done more," Candace Chambliss (JD '03) said of her four-month internship at the University of the Western Cape Legal Aid Clinic in Cape Town in 2003. "The clinic works hard to provide representation in areas from criminal defense to housing to divorce, but there is a huge gap between what it is able to provide and what is actually needed by rural residents. The overall lack of resources and access for poor folks was disheartening much of the time."

Still, there were successes. Chambliss, who worked on farm workers' land rights with Seeham Samaai, the department's supervising attorney, helped return a family to the home from which they were evicted after the father was wrongly accused of a minor theft. "It was great to see his home restored against the wishes of the more privileged white landowner," Chambliss said.

Though South African law is still catching up to much of the free world's, Chambliss said she was impressed with the country's efforts to implement justice and reform post-apartheid.

Chambliss arranged her internship with the help of Northwestern professors, who used their contacts to help her arrange a position with Samaai. Chambliss was aware of his work through the Law School's International Team Project in South Africa. Along with researching housing issues for the clinic, Chambliss drafted memoranda and letters, interviewed clients, and attended court hearings and meetings.

"I walked away with more than I contributed," she said. "It was great to have the opportunity to compare American law with that of another country. I'd definitely like to do something like that again."

For the time being, Chambliss is back in the States, working as a staff attorney at the Juvenile Justice Project of Louisiana (JJPL) in New Orleans. JJPL represents incarcerated children, working for their early release, monitoring facility conditions, and advocating policy and indigent defense reform.

Julie Waterstone

Julie Waterstone (JD '00) joined the University of Mississippi Law School in 2003 as a Staff Attorney and Visiting Clinical Professor in the Civil Legal Clinic. Last fall she created a Child Advocacy Clinic as part of the Civil Legal Clinic, and she is currently supervising four students per semester in delinquency, school expulsion and discipline, emancipation, and guardian ad litem cases.

Waterstone credits her experience working in the Bluhm Legal Clinic as a law student for jump-starting her interest in juvenile issues. "Prior to working in the [Bluhm Legal Clinic], I had never really thought about issues affecting children, particularly children in the delinquency system," Waterstone said. "I thought that I wanted to do litigation and something in a big firm. When I graduated law school and did this, I realized something was missing. My experience in the clinic enabled me to find my passion in child advocacy."

After law school, Waterstone joined the firm Milbank, Tweed, Hadley & McCloy as a litigation associate in their Los Angeles office. While at Milbank, she handled fraud cases, contract disputes, first amendment issues, and adoptions.

She spent her first year at the University of Mississippi managing the day-to-day operations of the Civil Legal Clinic, supervising students in the Consumer and Family Violence clinics, and developing contacts and curriculum for the Child Advocacy Clinic.

Waterstone's goal is to teach her students how to use the legal process to advocate for underrepresented children. In addition to developing her students' litigation skills, she hopes to foster in them a sense of purpose and passion similar to that which she found while working at the Bluhm Legal Clinic.

Algenon Marbley

U.S. District Judge Algenon L. Marbley (JD '79) made national news on Election Day in 2004 when he ordered two southern Ohio counties to provide paper ballots to speed up the voting process.

Marbley, a judge for the Southern District of Ohio, held an emergency hearing in the late afternoon on November 2 at the request of the Ohio Democratic Party as voters in Franklin and Knox counties were facing waits in line of several hours. Immediately after Marbley issued the order for paper ballots, Ohio Secretary of State J. Kenneth Blackwell and the Board of Elections in Franklin County, which includes Columbus, appealed to the Sixth U.S. Circuit Court of Appeals. The circuit court upheld Marbley's ruling.

The Democratic Party later rescinded the request for logistical reasons, but those in line when the polls closed at 7:30 p.m. were allowed to vote, as the law requires.

In his ruling, Marbley stated that the long lines might discourage some voters from waiting and that the election boards should have provided more voting machines in anticipation of the heavy turnout.

"Participation in this democracy should not be as onerous as it is being made today," Marbley said.

CFJC Efforts Pivotal in Supreme Court Decision

On March 1, 2005, the U.S. Supreme Court ruled it unconstitutional to execute offenders who were under 18 at the time of their crimes. The ruling was a victory for faculty, staff, and students in the Bluhm Legal Clinic's Children and Family Justice Center (CFJC) who spent nearly five years working with the American Bar Association's Juvenile Justice Center, the International Justice Project, and advocacy and health organizations around the country to end the juvenile death penalty in the United States.

Steven Drizin and clinical assistant professor Lauren Adams along with students and staff working in the CFJC, led by center director Bernardine Dohrn, first presented their strategy to end the practice at a two-day conference at Northwestern in December 2000. They framed the issue in terms of adolescent development and international law and focused on efforts to support attorneys whose clients were facing execution; to recruit medical, mental health, and child advocacy organizations to spread the adolescent development message; to build coalitions within states most likely to pass legislation abolishing the juvenile death penalty; and to enlist the help of the European Union and the Council of Europe, among others, to voice the importance of international law.

Early victories included a legislative success in Indiana, a successful campaign to save Alexander Williams of Georgia, and a stay

in the execution of Napoleon Beasley of Texas. Legislation also passed in one chamber of many states, including Texas, Florida, Nevada, and South Dakota. At the same time, in the case of *Atkins v. Virginia*, the U.S. Supreme Court ruled the death penalty unconstitutional when applied to mentally retarded offenders.

In 2003 the Supreme Court accepted the case of *Roper v. Simmons* following a Missouri Supreme Court ruling that the death penalty when applied to juvenile offenders was also unconstitutional as a matter of federal law. Drizin and his students co-wrote an amicus brief with the Juvenile Law Center on behalf of some 50 other child advocacy groups. Adams and clinic director Tom Geraghty, along with many of their students and interns, helped volunteer attorneys from the ABA write a brief on behalf of 17 Nobel Laureate Peace Prize winners.

Seth Waxman, the former Solicitor General under President Clinton, argued the case before the Supreme Court, which ruled against the juvenile death penalty in a narrow 5-4 decision.

Although no one group can claim credit for the tremendous victory, the majority opinion, both in its resounding statement that juveniles are developmentally different than adults and in its reliance on international law and opinion, validated the work of Bluhm Legal Clinic faculty, staff, and students.



All rights reserved. 04-05/7M
©2005 Northwestern University

NORTHWESTERN
UNIVERSITY



Northwestern University
School of Law
357 East Chicago Avenue
Chicago, Illinois 60611-3069
www.law.northwestern.edu

Thomas F. Geraghty, Director
Steven A. Drizin, Assistant Director
312.503.8576; fax 312.503.8977

