

# News & Notes

Northwestern University School of Law

Spring 2006

## MacArthur Justice Center Moving to Northwestern's Bluhm Legal Clinic

In a few months the Bluhm Legal Clinic and the MacArthur Justice Center won't have to admire one another from a distance. By June the MacArthur Center will move from the University of Chicago to join Northwestern Law's clinical program.

"We couldn't be happier. We've admired the wonderful clinical work being done at Northwestern for years," said MacArthur Justice Center legal director Locke Bowman, who said the move was motivated mainly "by the prospect of synergy and collegial relations."

"They're coming to us to form a larger community around criminal justice reform issues," said Bluhm Legal Clinic director Tom Geraghty. "The work that they do and our work, especially that of our Center on Wrongful Convictions, can mesh to take advantage of our respective strengths."

Bowman, trial attorney Joe Margulies (JD '88), and two support staff are planning to have the MacArthur Center fully operational at Northwestern for the start of the 2006-07 academic year. The MacArthur Center's location at Northwestern will present "a tremendous opportunity for our students," Geraghty said. He anticipates that at least 16 more law students will be able to work in the clinic each semester — "more if the center's being here attracts additional donor support."

The center will retain its own board of directors. It is supported by the J. Roderick MacArthur Foundation, named for a Chicago businessman and son of philanthropists John D. and Catherine T.

MacArthur. The foundation set up the center in 1985 as a nonprofit public-interest law firm to fight for human rights and social justice through litigation. It provides legal representation and has been involved in high-profile cases in such areas as treatment of prisoners, police practice, compensation for the wrongfully convicted, the death penalty, gun control, and indigents' rights to legal representation.



Locke Bowman, Tom Geraghty, and Joe Margulies  
(photo by Jim Ziv)

"The MacArthur Center is always looking for projects that will have systemic impact, and the CWC will help it to identify issues to work on with the entire criminal justice community to make the system more fair, accurate, and efficient," Geraghty said. As examples he mentioned improvements in procedures for taking statements from witnesses and suspects, in eyewitness identifications, and in access to and quality of forensic science, defense, and social services. Geraghty said he also expects "that synergies will develop" between the MacArthur Center and the Center for International Human Rights and the Children and Family Justice Center, and the Law School's annual Short Courses for Prosecuting Attorneys and Defense Lawyers should also benefit from having the MacArthur Justice Center at the Law School.

The MacArthur Center's mission is to look for cases and research projects that raise issues in criminal justice reform. "We focus on systemic impact and the Bluhm Clinic on individual cases. People like Tom Geraghty and [CWC director] Steve Drizin have an impact on criminal justice reform by virtue of their stature and insights," Bowman said. "I'm confident that as we work side by side, we'll think of ways to engage in constructive collaboration for the betterment of the system."

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## Message from the Director

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



Tom Geraghty  
(photo by Jim Ziv)

I am delighted to announce in this issue of *Bluhm Legal Clinic News & Notes* that the MacArthur Justice Center will move from the University of Chicago to become part of the Bluhm Legal Clinic at Northwestern Law in June 2006. The addition of the MacArthur Justice Center will expand opportunities for Northwestern Law students to gain hands-on experience in the representation of individuals and in litigation and policy

work focusing on criminal justice and human rights issues.

The MacArthur Center's work merges effectively with the work of our existing centers, particularly that of the Center on Wrongful Convictions, the Center for International Human Rights, and programs such as the Children and Family Justice Center's Immigration and Asylum practice, which is also featured in this issue of *News & Notes*. Indeed, the faculty of the MacArthur Justice Center and the faculty of the Bluhm Legal Clinic have already established close and constructive working relationships having collaborated on cases and projects in the past.

This is a very positive development not only for the Bluhm Legal Clinic but also for the Law School and for Northwestern University. It demonstrates that we continue to be recognized as a leader in providing students with hands-on experience in the study of criminal justice and human rights issues through our involvement in cutting edge legal and policy issues.

We look forward to working with the MacArthur Justice Center, and we are grateful to the center's board of directors, particularly to Rick and Solange MacArthur and to David Bradford, for the work of the center and for being so supportive of this wonderful alliance. We will celebrate the arrival of the MacArthur Justice Center to Northwestern Law with a dinner in honor of the center in September.

I am also very proud of the extraordinary work of our students, who were instrumental in planning the Domestic Disaster Practicum which took them to New Orleans over spring break to provide legal aid to victims of Hurricane Katrina. Lead by clinical associate professor Cathryn Crawford they spent a semester exploring the unique legal and social issues that arose in the wake of Katrina.

And finally, we are excited about launching the new Bluhm Blog at [blog.law.northwestern.edu/bluhm](http://blog.law.northwestern.edu/bluhm). It is sure to serve as another means of communicating with all who are interested in or affected by the work of the Bluhm Legal Clinic. Although, at the moment Steve Drizin is the sole contributor, writing about false confessions and police interrogations, we hope to see the blog expand to other faculty members and perhaps even students writing about other leading issues and topics as well as their experiences working in the Bluhm Legal Clinic.

I hope you will continue to follow our efforts to take an active and hands-on approach to providing clinical education to Northwestern Law students. The richness of our programs is the result of the creativity and hard work of everyone who is actively involved in the clinic, be they current students and faculty, alumni, or professionals with whom we collaborate.

Northwestern University School of Law  
BLUHM LEGAL CLINIC

### Bluhm Blog

Discussions on Clinical Education, Justice, and Legal Reform

April 04, 2006

#### Conviction VACATED in Yates Case

JUDGE VACATES PLEA IN AMY YATES CASE -- Finding that the confession of an eighteen year old mentally disabled boy was trustworthy and would have likely prevented trial counsel from recommending that his client take an Alford plea (an admission that there is sufficient evidence to convict but maintaining actual innocence), Judge Daniel P. Camp of the Carroll County court vacated the guilty plea of J.A., who at the age of 12 was charged with the murder of 9-year old Amy Yates. The decision is a thorough and well-reasoned decision one which all but eviscerates the State's case against J.A. It also puts the State in a real pickle. Although the State can retry J.A., the confession was the only evidence against him, and the judge has deemed the new confession to be admissible, reliable and corroborated by the other evidence in the case.

Categories: False Confessions

Recent Posts: Conviction VACATED in Yates Case; Stockleman to Plead Guilty in Katie Colman False Confession; Get out your VCRs: False Confession on ABC's 'PrimeTime'; Tankieff denied new trial; Tankieff Decision Out Tomorrow

Archives: April 2006; March 2006

Bloggers: Steve Drizin

Centers' Home Pages: Center on Wrongful Convictions; Center for International Human Rights; Small Business Opportunity Center; Children and Family Justice Center; Investor Protection Center

Subscribe to this blog's feed

Check out the new Bluhm Blog at [blog.law.northwestern.edu/bluhm](http://blog.law.northwestern.edu/bluhm).

Steve Drizin, Legal Director of the Center on Wrongful Convictions and Assistant Director of the Bluhm Legal Clinic, is posting the latest news and comments on issues related to police interrogations and false confessions.

## MacArthur Justice Center Moving to Northwestern's Bluhm Legal Clinic

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But there is one area of difference that “will be a nice complement and expansion of expertise,” Bowman said: The MacArthur Center tends to operate in the civil courts and the Bluhm Legal Clinic in the criminal courts.

Bowman’s own work primarily involves police misconduct, compensation for wrongful conviction, the rights of the indigent to effective defensive services, and related matters. Margulies’s work of late has focused on issues related to the civil liberties implications of the war on terror. He is currently a leader in efforts to win access to the federal courts for the so-called enemy combatants imprisoned at Guantánamo Bay. His book *Guantánamo and the Abuse of Presidential Power* will be published by Simon & Schuster this summer.

Even as the MacArthur Center takes on work such as Margulies’s that has national and sometimes global significance, its focus will be on Chicago and Cook County, said Rick MacArthur, son of the late J. Roderick MacArthur and a member of the foundation board. “We feel a particular responsibility to Chicago and Cook County,” MacArthur said. “This is where we’re from, where we were formed politically. The Bluhm Legal Clinic will help us maintain that focus with the cases it handles.”

For both Margulies and MacArthur, a feeling of coming home will accompany the center’s move. Margulies said that he “lived” at the legal clinic during his third year at Northwestern Law and that his “fondest memories of law school are of working at the clinic with Tom Geraghty and others.”

Rick MacArthur grew up on Chicago’s North Shore with Tom Geraghty’s younger brother Peter, with whom he attended his first criminal trial when they were in high school in the early ’70s. They saw Tom Geraghty earn an acquittal for David Barksdale, a leader of the Black Disciples gang, who was charged with mob action for organizing a march to protest Chicago police behavior. The march was nonviolent.

“It was my first taste of criminal justice as it affects people behind the eight ball,” MacArthur said, “and I was very impressed with Tom Geraghty. So, it seems fated and feels emotionally right that we’d end up formally affiliated.”

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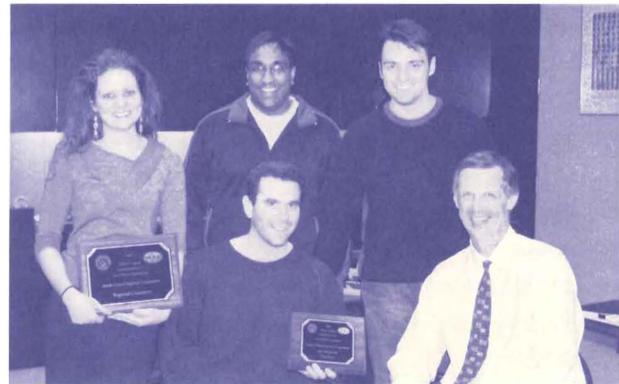
## Jessup Trial Team Wins Regional Title

For the second year in a row, Northwestern Law’s Jessup Moot Court Team won the North Central regional round of the annual Philip C. Jessup International Law Moot Court Competition.

Twelve law schools from across the region participated in the competition, which focuses on timely issues of international law, and took place February 17 to 19 at Wayne State University in Detroit, Michigan.

Northwestern’s team, composed of second-year JD students, also took first place in the brief award and individual members ranked high in the speaking category. Gwen Carroll won first place for the Speaker Award and John Watkins ranked fourth.

Other team members include Srikanth Reddy, Matthew Vanek, and Ben Berman. The team is coached by Northwestern Law adjunct professor Sunil Harjani (JD ’00).



*Members of the Jessup Trial Team with their awards (clockwise from top right): John Watkins, Dean David Van Zandt, Ben Berman, Gwen Carroll, and Srikanth Reddy.*

### Immigration and Asylum Practice Represents Vulnerable Clients Fleeing Persecution

A commitment to client-centered representation is key to the nearly perfect five-year record of the Children and Family Justice Center's (CFJC) immigration and asylum practice.

"Our students and faculty labor long hours researching facts and country conditions, talking with experts, and, perhaps most important, gaining their clients' trust," said supervisor Vanessa Lucas.

The record of success is especially impressive considering that, as Lucas said, "the cases are getting harder and harder."

Asylum law, which is based on the 1951 United Nations Convention Relating to the Status of Refugees, grew out of the nationality and religious discrimination of World War II. "It didn't anticipate that there would be other vulnerable groups, like women and children, or that the threats might come from somewhere other than government, like street gangs and parents," Lucas said.

In recent months, for example, the practice's three lawyers have represented an orphaned teenager who had joined a gang in his native El Salvador for protection and was threatened when he tried to leave it; a young Asian woman whose parents had her smuggled into the United States to work underground and send her wages home; and a Honduran teenager fleeing his family's violence.

Lucas has been representing immigrant children exclusively since 2001 after three years working at the CFJC and learning from former clinic attorney Ora Schub about representing young clients. Uzoamaka Nzelibe, a naturalized U.S. citizen who was born in Nigeria, joined Lucas in June 2004 and represents not only immigrant children but also adults fleeing gender-related persecution. Anita Ortiz (JD '04) was involved in Lucas's cases at the legal clinic as a law student and remained after graduation on a two-year fellowship from Equal Justice Works.

Of course, their work wouldn't be possible without the assistance of committed students.

"Being other than extraordinarily committed is not acceptable because of all that is at stake," said Celestina Owusu-Sanders (JD '04), one of the practice's alumni. "You're involved in changing the trajectory of someone's life — forever."

The immigration and asylum practice can assist about 15 clients at any time.

"We've had clients from Indonesia, African countries, India, Pakistan, and China," Lucas said, "but most are from Central America. In some of those countries, how long can you survive without joining a gang? Then they try to escape the gang and are threatened. Or they might have been abused at home, sometimes because of sexual orientation. So they flee. They hop trains, walk, and tag along with travelers, ultimately ending up in Chicago. They come here as unaccompanied minors and have no one."

By the time the clinic's lawyers get involved, the refugees have usually been apprehended and are in a deportation process. Most clients have come through referrals from the Midwest Immigrant and Human Rights Center, a program of the Heartland Alliance. At the center's immigration shelter in Chicago, where clinic faculty and students give biweekly "know your rights" presentations, more than 100 children have been counseled about their immediate legal needs and their options. Clinic alumni also continue to volunteer in the asylum field through the center. For example, Chris Norborg (JD '01) and Alice Setrini (JD '02), who are husband and wife, are currently representing a young Guatemalan woman seeking asylum.

Most asylum cases are heard by judges in the Immigration Court of the U.S. Department of Justice.



Anita Ortiz (photo by Jim Ziv)

"In order to get asylum, we must prove persecution on the grounds of race, religion, nationality, political opinion, or membership in a particular social group," Ortiz said. "With these cases involving women and children, we mostly argue membership in a particular social group. But you can't just say she's female; the judge would say that's too broad. So, for instance,

if it's a case involving [fear of] female circumcision, you would argue that she's from this tribe that practices female circumcision."

"And then we argue that the government cannot or will not prevent the parents from having their child circumcised," Nzelibe added. "Once you show the persecutor was someone the government

was unwilling or unable to control, you can link seemingly private acts to the government. We have to be very creative in our arguments.”

“Asylum law hasn’t been stretched far enough,” said Lucas. “We’re expanding it as we go along. Some judges are sympathetic, some not. When there’s a history of gang involvement, it can be tougher to get sympathy.”

Also weighing against sympathy is the post-9/11 environment. “The country is less welcoming since 9/11,” said Nzelibe. “There’s been a natural tendency to want to limit who gets into the United States.”

Given the challenges, the track record of the immigration and asylum practice is “extraordinary,” said CFJC director Bernardine Dohrn. “The clinical faculty and students work intensely with their child and woman clients, prepare thoroughly for their cases, and advocate zealously for asylum,” she said.

If asylum is granted, the client may remain in the United States permanently. Foster homes are found for the children who have nowhere to go.

Although the immigration and asylum practice does not have a high volume caseload, its success rate is a measure of its impact on clients and students. And the growth in the number of lawyers is heartening. “It used to be just Vanessa focusing on the immigration work at the clinic,” said Ortiz. “It’s great to see how the immigration and asylum practice has grown. There is such a need for representation of these clients.”

## Students Travel to Gulf Coast to Provide Aid to Katrina Victims

Eleven Northwestern Law students passed up sunny Mexican beaches and exotic international destinations this spring break and instead traveled to New Orleans to participate in relief efforts and offer legal assistance to Gulf Coast organizations.

Their 10-day visit was part of the Domestic Disaster Practicum, a student-initiated clinical class focused on providing aid to Gulf Coast residents in the wake of Hurricane Katrina.

“It started with a group of students who originally intended to participate in an International Team Project,” says clinical associate professor Cathryn Crawford, who leads the class. “But they decided that rather than going to a foreign country and exploring their laws, it might be more interesting and productive to explore the unique domestic legal and social issues arising out of the Katrina crisis.”

Prior to the trip, students met with Crawford for weekly seminar sessions to discuss legal and social issues that arose from the disaster. Each week, students gave group presentations on assigned topics, including a pre-Katrina history of New Orleans, federal benefits for hurricane victims, and the battle over state versus federal control of relief efforts.

Throughout the semester students served in externships with various New Orleans agencies, providing remote legal and research services. Some of the organizations included Common Ground, Alliance for Affordable Energy, Louisiana Justice Coalition, Southeast Louisiana Legal Services, Innocence Project of New Orleans, and the Capital Appeals Project.

“The hardest thing was not being there to see what’s going on,” says Rob Wilcox (JD ’07), one of the class’s student founders. “You just have to imagine the pressure they’re under. One of the things I’ve really taken out of this is watching crisis management and being a small part of it.”

Wilcox described the experience as being vastly different from previous internship experiences.

“We got our assignments by phone or E-mail. It was not like a formal internship program you’d have here. These organizations were really set up on the fly. Aside from the legal work, it’s thinking about rebuilding an entire city and the decisions that have to be made. They have to be so flexible. There are no roadmaps. From our end, we have to have that same kind of flexibility.”



*Northwestern Law students assisting in rebuilding efforts in New Orleans.*

In New Orleans, students met their agency supervisors in person for the first time and had an opportunity to work with their organizations on site. They also participated in rebuilding efforts, attended community meetings, and met with local activists and residents. Another major project during the trip involved observing bond court hearings and interviewing detainees in local jails, many of whom had not yet been formally charged or had an opportunity to speak with a lawyer. The students released a report entitled, "Access Denied: Pre Katrina Practices in Post-Katrina magistrate and municipal courts." The report is being distributed throughout the criminal justice community.

Their trip was sponsored in part by the Student Bar Association and three law firms, including Kirkland & Ellis; Cravath, Swaine & Moore; and Skadden, Arps, Slate, Meagher & Flom.

Upon their return, students continued to meet through the end of the semester to discuss what they learned from the trip. The students also organized a school-wide event to share what they learned with the Northwestern Law community.

"We have all been able to see the gaps in the city, state, and federal government responses to Katrina and in many cases if volunteers had not been there people would have been denied benefits, or even evicted," says Kevin Agnew (JD '07). "This class and our Spring Break of Service allow us as students to help individuals rebuild their lives, and also work to make sure that justice is served in the rebuilding of institutions."

## Student Reflection

### Client Relationships Challenging but Enriching

by Mugambi Jouet (JD '06)

Most of my duties as a student in the Bluhm Legal Clinic consist in assisting with the representation of juvenile defendants in the Cook County Juvenile Court. In particular, I have written and argued motions in court for two murder cases. One of our clients could potentially face over 86 years in prison for an alleged felony murder committed at age 14, a draconian sentence that would violate international norms and standards on the punishment of child offenders. No other country in the world would allow such treatment for a juvenile. In fact, no other country routinely sentences people, even adults, to decades of imprisonment for common crimes. This is one of the reasons why America now has, by far, the highest incarceration rate in the entire world.

My work as a clinical student therefore has critical stakes considering the ultra-repressive punishments that many of my clients will face if convicted. I am learning how to effectively represent clients due to the close guidance of Professors Thomas Geraghty, Simmie Baer, Lauren Adams, and Monica Llorente. Thus far, I have conducted legal research, visited crime scenes, found and talked to possible witnesses, written motions, and argued in court. However, building rapport with my clients has been the most enriching but also the most challenging aspect of my work. Imagine yourself telling a teenager that he faces spending the rest of his life in prison... His eyes become filled with a sense of despair and bewilderment. It is probably something that his mind cannot fully realize. And it is definitely more than what his heart can bear.

The clients I have represented tend to be very reserved. They often appear to feel hopeless because they have had very difficult childhoods and are now contemplating long periods of incarceration, even though they are not hardened dangerous criminals. Even when they are found innocent, many remain hopeless because they feel that they have nothing to look forward to in the "free world." But clinical students try hard to mentor these children and direct them toward support services to help them get on the right track. Nevertheless, it is hard to alleviate these children's sadness because we are unfortunately often on the losing side in court. But sometimes the greater truth in life is found in fighting courageously instead of winning or losing. When we lose a trial or an important motion, many of our clients believe: "At least someone fought for me with passion and conviction." Indeed, many of our clients almost never had anyone who really cared about them.

### Legal Clinic: The Best Course for Legal Practice and Life

by Will Rhee (JD '98), Trial Attorney at the U.S. Department of Justice, Civil Rights Division, Educational Opportunities Section

Of the many wonderful memories I have of Northwestern Law, the ones that remain most vivid and lasting are those from my two years in the Bluhm Legal Clinic. While I am quite far from being an experienced lawyer, I have had the good fortune to work in a number of different practice areas — a judicial clerkship, non-profit policymaking and lobbying, private civil litigation, private corporate transactions, and government litigation. With the benefit of some hindsight, I realize how the Bluhm Legal Clinic breaks down the artificial distinctions too prevalent in law school and in law practice, allowing us to transcend the distinction between public and private practice.

As a law student, I recall much soul-searching introspection and gnashing of teeth over the first job after law school. Considering the prodigious debt of law school loans and the difficulty of finding a so-called “public interest” legal job, I would like to reassure any idealistic law student reading this who may be firm-bound that you need not be “selling out.” Classmates of mine have worked at a firm, paid off their loans, and are now working for a non-profit. Others began in the public sector and have since changed over to the private sector. Others have remained in the private sector throughout their legal career. And of course others have remained steadfast and dedicated public interest lawyers throughout their career. None of them have “sold out.” All loved helping indigent clients as law students in the Clinic and since graduation have remained committed to contributing their time and resources to continue to give back to the community.

Recognizing that the benefits of the Clinic transcend public or private practice, many Chicago law firms have encouraged their associates to participate in Clinic cases under the supervision of Clinic attorneys. I fondly remember working on a juvenile case as a second-year law student with a talented young associate from a Chicago law firm.

I believe that the private-public interest dichotomy is an oversimplification. The most effective public interest legal work I have observed has involved both public and private attorneys working together as a synergistic team. While dedicated career public interest attorneys who work tirelessly to address the critical shortage of legal services for the indigent — often for scarce pay and nonexistent prestige, deserve the greatest accolades, private firms frequently have the resources not only to fund public interest attorneys but also to take the lead on complex pro bono cases.

### SBOC Helps Charter Schools

Small Business Opportunity Center students Maura Cahill (JD '06), Dwayne Samuel (JD '06), Lei Shen (JD '06), and Alice Vosmek (JD '07), have been providing legal assistance to Illinois Network of Charter Schools (INCS) and two member schools. Under the supervision of clinical assistant professor Steve Reed, the students helped KIPP Ascend School negotiate a transportation agreement with a privately-operated bus company, and advised Alain Locke Elementary Academy on how to protect retirement benefits of teachers who transfer from the Chicago Public Schools. Both schools are in disadvantaged neighborhoods on the city's west side. The SBOC is continuing to handle additional issues arising under the complex Illinois charter schools law. The executive director of INCS is Elizabeth Evans (JD '90), a Legal Clinic alumna.

### Investor Protection Center Settles First Case

Under the supervision of clinical assistant professor J. Samuel Tenenbaum, Investor Protection Center student Robert J. Devlin (JD '06) settled a case on behalf of a college student from Chicago. The student had sought the Center's help in recovering a college-savings bond that had been given to her under the Illinois Uniform Transfers to Minors Act. Robert discovered that the bond had been paid to the designated custodian despite the fact that the student had turned 21 years old and had warned the paying agent that the custodian would likely steal the bond. On the brink of filing a claim in state court against both the paying agent and the custodian, Robert negotiated an eleventh-hour settlement with the custodian whereby the custodian returned the full amount of the bond.



*Robert J. Devlin (JD '06) meets with his client.*



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**Center for International Human Rights**

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

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**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.*

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**Children and Family Justice Center**

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**Small Business Opportunity Center**

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

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