

Bluhm Legal Clinic

# News & Notes

## *The Appeal of the Appellate Advocacy Program*

*Students in the Appellate Advocacy Program improve their written advocacy skills while getting an insider's view of the federal courts and the U.S. Supreme Court*

Few things worry new law school graduates more than their legal writing ability, says **Sarah O'Rourke Schrup**, a clinical assistant professor at Northwestern University School of Law and director of the school's Appellate Advocacy Program.

"Most students leave law school being the most uncertain about their writing skills," she says. "And rightly so, as many employers say that their new associates' legal writing skills are not up to snuff."

Students' insecurity over written advocacy stems in part from the lack of opportunity to concentrate on legal writing past the first year, Schrup says.

To expand legal writing opportunities at Northwestern Law, Schrup worked with administrators to create the Appellate Advocacy Program, which launched in 2006. The program encompasses two clinics: the Federal Appellate Clinic and the Supreme Court Clinic, one of only a handful of such clinics in the country. Both clinics have a substantial writing component, Schrup says, and expose students to the representation of clients in a real case.

"The clinics in the Appellate Advocacy Program provide a good supplement for second and third year students to build their written advocacy skills," she says. "They give students exposure to litigating in federal courts and the Supreme Court, improve their oral advocacy skills, and teach them about the court system in a real-world way."

### **Federal Appellate Clinic**

Students in the Federal Appellate Clinic have the opportunity to represent a criminal defendant on direct appeal, ultimately arguing the case before the Seventh Circuit. The class is broken into three teams,

each of which is assigned a case. The teams handle all aspects of the case — from drafting the brief to preparing for oral argument, just as attorneys would in a law firm.

Schrup plays the role of a senior partner, mentoring each group through the appellate process and assisting in revising and perfecting the brief and argument. Teams often go through about eight to ten drafts of the brief based on Schrup's feedback.

The clinic spans two semesters, and students usually enroll in both sessions. They focus on research and writing in the first semester, oral argument in the second.

**Matt Kemp JD' 09** enrolled in the clinic during his third year. He says he chose the class because he knew that

appellate advocacy was an avenue he wanted to pursue and that the Federal Appellate Clinic was the best way to gain advocacy skills as a third year.

Kemp says he and his teammates uncovered three viable issues in the case assigned to them. Each member then took one issue for further study and wrote that particular part of the brief. The process of writing the brief and related memos helped sharpen his legal writing skills and heightened his understanding of different writing styles, Kemp says.

"The clinic has definitely increased my confidence in my ability to write in a variety of different formats," he says. "Early on in our cases, we wrote a lot of objective memos examining the potential issues that we could raise. Learning how to switch from objective writing into advocacy mode was definitely a valuable experience. Even in advocacy mode, there are a number of different tones that



*Professor Sarah O'Rourke Schrup advises her students on their oral argument.*

### Challenges and Accomplishments

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



(photo by Mary Hanlon)

The elephant in the corner of the room is the job market for our students. As we've worked with our students this year on a variety of cases and projects, we hear from them about cutbacks at law firms, government agencies and public service organizations, delayed start times, and layoffs. Despite this unfortunate situation and the understandable anxiety that the downturn in the economy has caused, our students didn't miss a beat — a tribute to their dedication, professionalism, resilience, and optimism.

Next year, several of our former students will return to the Bluhm Legal Clinic as clinic fellows. This is just one part of Northwestern Law's comprehensive effort to support our graduates who have been affected by the job market. We look forward to working with our returning graduates next year, and we will ensure that they are engaged in activities that support their continuing professional development.

Let me now turn to this year's highlights, starting first with statistics that demonstrate the health and vitality of our clinical program. We enrolled 190 students in our in-house clinical program, 125 students in externships, 271 students in trial advocacy courses, 186 students in negotiation courses, and 36 students in our mediation program. Supervision and training in these courses was overseen by 32 full-time clinical faculty and 10 adjunct clinical faculty.

This year, our students won honors in various local and national competitions. Students in our Fred Bartlit Center for Trial Strategy won first and third place in a national competition sponsored by the California Association for Criminal Justice. Students in our Program on Negotiation and Mediation won first place at the ABA National Negotiation Competition.

As in previous years, the range of learning opportunities provided by the Bluhm Legal Clinic was substantial and varied. Students and faculty prevailed in several juvenile court cases, criminal cases and immigration proceedings, and played a major role in a victory in the U.S. Supreme Court. Our Small Business Opportunity Center represented 88 clients, many of whom are starting businesses in underserved communities in Chicago. Students and faculty traveled to Rwanda to provide support for a conference on access to justice in Africa, and to Malawi to support efforts to reduce the prison population there. In Malawi, the Bluhm Legal Clinic team secured the release of several prisoners who had languished in prison for years.

In a case in which the Clinic was appointed to represent a state court prisoner in a federal habeas proceeding involving access to the courts, students and faculty spent days at the Menard Penitentiary in southern Illinois reviewing records, taking depositions, and interviewing our client and witnesses. Our students then played major roles in presenting and arguing the evidence in federal district court.

Significant research and policy initiatives undertaken this year include the Children and Family Justice Center's major role in local and national juvenile justice reform supported by the Designs for Change Initiative of the John D. and Catherine T. MacArthur

Foundation, the Cambodian Tribunal Monitor supported by the J.B. and M.K. Pritzker Family Foundation, and a study of the Law Offices of the Cook County Public Defender supported by the Roderick MacArthur Justice Center.

One of the Bluhm Legal Clinic's newest projects involves a cooperative effort with Loyola University's Childlaw Center and the UNICEF West and Central Africa Regional Office to map child protection services in west and central Africa. We have undertaken an assessment of legal education in Ethiopia supported by the American Bar Association and USAID. Work on access to justice worldwide included participation in projects with the Danish Institute for Human Rights and the Open Society Institute.

The Clinic's casework this year included significant victories as well as setbacks, the product of an extremely active litigation docket that included some of the most challenging cases that I have seen in years. I am extremely proud of the work of our faculty and students on these cases. They took on cases that were up-hill battles in situations where clients were desperately in need of the kind of dedicated and skillful representation that the Bluhm Legal Clinic is known for. Two cases in particular merit special mention.

**Simmie Baer** and her students represented a juvenile charged as an adult with sexual assault. They challenged the procedure that led to the adult criminal cases being filed, conducted a thorough investigation of the case, and developed persuasive expert testimony. The case was tried by jury, and we did not prevail. Our representation continues as the case is prepared for appeal. Simmie and her students provided outstanding representation to a client in need and suffered the loss with dignity and continuing resolve.

Clinic faculty **Jane Raley** and **Jeff Urdangen**, a team from Jenner & Block that included Tom Sullivan, **Terri Mascherin JD '84**, Andrew Vail, **Sarah Terman JD '08** and **Daniel Fenske JD '08**, six Law School students, Clinic volunteer **Judy Royal JD '81**, Center on Wrongful Convictions staff member **Jennifer Linzer**, and investigator Cynthia Estes spent the last few years preparing the defense of Juan Rivera, who was charged with the sexual assault and murder of a young girl in Lake County, Illinois. In April of this year, the case went to trial for the third time, even though DNA evidence excluded our client as the perpetrator. The prosecution based its case on statements allegedly made by our client under duress and in a state of mental confusion. After a four week jury trial, the Lake County jury convicted our client. The appeals process is now underway. The skill and effort of the Rivera team was an example to us all, demonstrating the highest ideals of advocacy, professionalism, and service.

There are many examples of such valiant efforts around the country in defender offices, legal clinics, and in pro-bono initiatives. I am very happy and grateful that the Bluhm Legal Clinic is able to offer our students the opportunity to become part of this long-standing and distinguished tradition of providing the best service to the most vulnerable. Experiences such as those described above should help our students recognize that no matter the economic situation, the services they provide truly make a difference.

## The Appeal of the Appellate Advocacy Program

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work well, depending on the context. For instance, I thought the tone of our reply brief was quite different than the tone of our opening brief.”

In addition to classroom work, students in the clinic take several trips to the Seventh Circuit. These visits offer invaluable insight into courtroom proceedings, Kemp says.

“Just to be in that room and have an idea of how that particular judge acts, what kind of questions they ask, was valuable,” he says. “It was also helpful to see how attorneys argue, to see what works and what doesn’t.”

Not only do students hone their writing and advocacy skills, but they also build a relationship with an actual client whose liberty is at stake. Initially, Kemp says he grappled with ethical issues regarding the representation of criminal defendants.

“It was kind of a philosophical challenge for me at the beginning,” he says. “We were spending a lot of time defending a criminal defendant who may well have robbed four banks. I asked myself, ‘Do I really want to spend time doing that?’”

Many students echo Kemp’s sentiments at the beginning of the year, Schrup says, but have a different viewpoint after traveling across the country to meet with their clients in prison and after reviewing what occurs at trial.

“Students’ initial concerns are often outweighed by the realization that the government should not take someone’s liberty away unless it is done fairly and with due process, regardless of the client’s guilt or innocence,” she says.

### Supreme Court Clinic

The Supreme Court Clinic, created in partnership with Sidley Austin LLP, gives students the opportunity to work on cases pending before the U.S. Supreme Court. Students work under the supervision of partners and associates from Sidley’s pro bono Supreme Court practice, assisting them with the challenging work that goes into advocating before the court on behalf of indigent criminal defendants.

“From a substantive standpoint, students learn about the court as an institution,” says Jeffrey Green, a partner at Sidley Austin who

works with Schrup and Sidley managing partner **Carter Phillips JD ’77** to teach the clinic. “They learn the ways in which the court exercises its discretion in deciding whether to take a case and why the court exercises its discretion.”

Students work on several different cases throughout the two semester clinic. They have a voice in strategic decision making, assist in research, and help write both petitions for certiorari and merits briefs. Students also help prepare the lawyers who are going to argue before the court by participating in moot courts.

**Kenton Skarin JD ’09** worked on several cert petitions and a merits brief as a student in the clinic. The clinic helped improve the clarity and succinctness of his writing, he says.

“Your writing gets a lot tighter in the Supreme Court Clinic,” he says. “It pretty much has to be because of word limits and, more importantly, because the Supreme Court doesn’t have time to wade through prose to find what’s important.”

Each year, students have the opportunity to watch attorneys argue before the Supreme Court. While in Washington D.C., they meet with Supreme Court clerks, high-ranking staff members, and, often, one of the justices. Additionally, guest lecturers, known for their high court expertise, share their knowledge with students throughout the school year. Having access to such high profile individuals enhances students’ understanding of the Supreme Court, Skarin says.

“The quality of speakers has been very high and very beneficial to me and the other students,” he says. “They’ve helped us develop a sense of how Supreme Court practice is different than even other appellate advocacy and gave us an idea of what makes a good argument in front of the Supreme Court.”

Currently, students are assisting on two cases pending before the Supreme Court. In January 2009, the clinic team won *Chambers v. United States*, a case first discovered by clinic students, in a unanimous ruling. Since the clinic’s inception, students have assisted in two other cases argued before the Supreme Court; the clinic won them both.

### Recent Clinical Faculty Awards



The National Council of Juvenile and Family Court Judges honored **Bernardine Dohrn**, director of the Children and Family Justice Center, for her leadership in children’s rights. Dohrn received the award for “Outstanding Contributions to Justice for Children and Families” at the annual meeting of the National Council in Chicago. Present were more than 600 members of the National Council.

### Recent Faculty Publications

#### Robert Burns

*The Death of the American Trial* (University of Chicago Press, 2009)

#### Steven Drizin and Robert Warden

*True Stories of False Confessions* (Northwestern University Press, 2009)

#### Steven Lubet

*Expert Testimony: A Guide for Expert Witnesses and the Lawyers Who Examine Them* (2nd edition, 2009)

#### Joseph Margulies

“Abu Zubaydah’s Suffering,” *Los Angeles Times* (April 30, 2009)

*Why the Hubbub About Habeas?: A Post-Mortem on a Failed Policy*, 35 *J. National Security Forum* 5089 (2009)

#### David J. Scheffer

*A Pragmatic Approach to Jurisdictional and Definitional Requirements for the Crime of Aggression in the Rome Statute*, 41 *Case Western Reserve Journal of International Law* 397–411 (2009)

*Tenth Annual Grotius Lecture Response: For Love of Country and International Criminal Law, Further Reflections*, 24 *American University International Law Review* 665–677 (2009)

The Legacy of Raphael Lemkin, Introduction to Lemkin’s House in Silence of God and Other Plays by Catherine Filloux 4–8 (2009)

*The Constitutionality of the Rome Statute of the International Criminal Court* (with Ashley Cox), 98 *Journal of Criminal Law & Criminology* 983–1068 (2008)

*Atrocity Crimes Framing the Responsibility to Protect*, 40 *Case Western Journal of International Law* 111–135 (2008)

### Simmie Baer: Juvenile Defender



Simmie Baer, a nationally renowned juvenile defender and a clinical assistant professor at Northwestern Law, holds a simple belief that lies at the heart of her work.

“A child is much more than their worst act,” she says.

Baer works in the Bluhm Legal Clinic’s Children and Family Justice Center (CFJC). She co-teaches the seminar “Children in Conflict with the Law” and runs a juvenile clinic in which students represent juvenile clients in adult criminal and juvenile court.

In her courses, Baer teaches her students to look into the behavior behind a young person’s criminal charge to better understand what may have triggered their actions. She strongly believes in using social science as well as the law in representing juvenile defendants and in creating a compelling story that moves the court.

“I believe you should always go to where the client lives to get an idea of the situation they are in, the stresses and issues that they face, as well as the positive influences they have” Baer says. “You have to go behind the charges, behind the crime, to find out what is causing that child to commit a criminal act.

“At trial, we have to be compelling storytellers, sharing a story built on the facts we’ve uncovered through investigation mixed with passion and emotion involving our young clients’ lives.”

With more than 20 years as a youth advocate under her belt, Baer intimately knows the juvenile justice system and says that there is a huge need for reform. Juvenile justice often gets treated like a stepchild to the adult system, she says, and those who work in it seem more lax about following due process.

“Children are different and you do treat them differently, but you do not deny them due process,” she says.

Children also bear the burden of following through on court orders such as getting a psychological evaluation or enrolling in school, without the aid of the system.

“It’s challenging the way children are held accountable under the law,” Baer says.

Just as Baer’s current efforts focus on reforming these issues, so too did her previous work. Prior to joining the CFJC in 2005, Baer founded Seattle-based Teamchild, a juvenile justice advocacy program with offices across the country. The program aids defendants before, during, and after their hearing and has become a national model for youth advocacy. She was also attorney supervisor and a staff attorney for the Defender Association in Seattle and has worked as a poverty law advocate for more than 26 years. As attorney supervisor, Baer advocated the use of a strong motions practice by her attorneys.

Baer’s passionate advocacy as a juvenile defender has won her several awards, including the Livingston Hall Award of the American Bar Association, the Paul Robeson Peace and Justice Award from Mothers for Police Accountability, and the William O. Douglas Award of the Washington Association of Criminal Defense Lawyers.

“The Bluhm Legal Clinic was very lucky to have attracted Simmie to its Children and Family Justice Center,” says Thomas Geraghty, director of the Bluhm Legal Clinic. “Simmie has inspired students and faculty with her skill and commitment. She has also quickly become recognized as a local leader in the provision of defender services to children. She serves as an outstanding professional and personal role model for our students.”

### Northwestern Law Helps Establish Guidelines for Securities Arbitration Clinics

Guidelines for establishing a securities arbitration clinic have been published by Northwestern University School of Law in cooperation with the Financial Industry Regulatory Authority (FINRA). FINRA is the independent agency that manages the arbitration and mediation programs previously handled by the National Association of Securities Dealers, the New York Stock Exchange, and other stock exchanges.

The co-authors of *Guidelines for Establishing a Law School Investor Advocacy Clinic* are **J. Samuel Tenenbaum** and **Thomas Morsch**, both faculty members in Northwestern Law’s Bluhm Legal Clinic. Professor Tenenbaum is the founder and director of Northwestern’s Investor Protection Clinic. Professor Morsch is the founder and emeritus director of its Small Business Opportunity Center and an active commercial arbitrator.

The authors received valuable assistance in this effort from the professional staff of FINRA and from their colleague and former dean **David S. Ruder**, who served as chair of the U. S. Securities and Exchange Commission from 1987 to 1989. Sample syllabi and other helpful materials and information were furnished by other law school clinicians including Barbara Black, University of Cincinnati College of Law; Jill Gross, Pace University School of Law; William Jacobson, Cornell Law School; and Alice Stewart, Duquesne University School of Law.

Law schools interested in establishing investor protection clinics may wish to contact either of the authors or the FINRA Investor Education Foundation at [www.FINRAFoundation.org](http://www.FINRAFoundation.org) for further information and suggestions regarding start-up funding.

### Lessons in Litigation and Life

By Carolyn Frazier JD '02, clinical assistant professor

Earlier this month, I received one of the greatest rewards an attorney could ever receive: I watched my client of a decade, Ronald Kitchen, walk out of the Cook County criminal courts building a free man after spending 21 years in prison (13 on death row) for a quintuple homicide he did not commit. Having worked on Ronald's case first as a student and later a teacher in the Bluhm Legal Clinic, I was asked to write a reflection from this unique dual perspective. This case has afforded me so many lessons in litigation and life, from so many wonderful teachers, I often joke that I am really a 10th-year clinic student when it comes to this case. Below, I share just a few of those lessons.

***Lesson 1: If you see a wrong, talk about it. Then keep talking about it. Eventually someone will listen.***

One of Ronald's main challenges was the fact that Chicago police detectives had tortured him into falsely confessing to the crime. As I first reviewed the trial transcript as a second-year law student, I couldn't believe what I was reading: torture, in Chicago, in this century, just didn't seem possible. Wanting to know more, I talked to my then-professor, Tom Geraghty, who sent me straight to the articles of John Conroy, a journalist who has been writing about police torture in Chicago under the command of Jon Burge since 1990. When John first started investigating this issue, few people actually believed that systemic torture of African-American men had occurred at the hands of the Chicago Police Department. John, along with Rob Warden, Flint Taylor, and others, kept the issue in the public eye and have refused, for a full 20 years, to let it die or be swept under the rug. As a result, last October — almost 19 years after John wrote in his first Burge article that the U.S. Attorney's Office was declining to investigate the alleged torture — Burge was indicted by that same office. Though not many were listening in 1990, thanks to the efforts of John, Rob, Flint, and other advocates like them, they are listening now. Ronald's exoneration would not have been possible without their efforts.

***Lesson 2: Making a human connection with your clients is not only acceptable; it can be critical.***

When Tom first agreed to work on Ronald's case, it was to assist attorney Dick Cunningham, who had already been representing Ronald for several years. Tragically, Dick died shortly after we began working together. Though I never got to talk much with Dick about his relationship with Ronald, I learned a lot about it — and about Dick's lawyering style — as I reviewed the correspondence files in the case. In letter after letter, Dick's writing reflected a genuine affection and care for Ronald not just as a client, but as a person. His letters often ended with a note of encouragement or solidarity — “Keep being strong, man,” or “Yours in Struggle.” Ronald will tell you that Dick was more than just a lawyer to him — he was a friend. He will also tell you it was that friendship, as much as anything, that pulled him through some of his darkest years on death row.

***Lesson 3: With training, opportunity, and a vote of confidence, clinical students can achieve great things.***

I could fill many newsletters with the lessons I've learned from Tom Geraghty during the 10 years we've worked together on Ronald's case. (Some examples: Patience truly is a virtue, and a rare one. Your adversaries needn't be your enemies. Speak softly and carry a well-written petition with lots of exhibits). The lesson I've chosen to highlight here is from page one of Tom's playbook on clinical teaching. I know I speak for the 60-plus students who worked on Ronald's case when I say that it was thrilling, and sometimes terrifying, to experience the “colleague model” of clinical legal education to which Tom subscribes. As his colleagues, Tom expects students to be front-and-center participants in the action, even on major pieces of litigation. Students on Ronald's case tracked down and interviewed key witnesses, devised litigation and investigation strategies, conducted depositions, and took the lead in writing the petition that ultimately led to Ronald's release. Tom's approach — providing students with meaty opportunities and letting them know they were up to the challenge — inspired a decade of clinic students to become deeply invested in Ronald's case. Ronald's freedom is due in large part to their hard work, which is in turn due to Tom's excellence in teaching.

***Lesson 4: Laughter is more than good medicine—it is sustenance.***

The first time I met Ronald as a second-year law student, he was shackled in the basement of Division One at the Cook County Jail. The conditions in the makeshift attorney-client meeting room were beyond horrible. Large pools of standing water sat feet away from electrical wires. Racist, anti-Arab cartoons lined the hallway (this was about a week after September 11, 2001). Attorneys and inmates sat on broken chairs, huddled with heads together around tables in a vain effort to preserve some semblance of confidentiality. Shortly after I introduced myself and sat down, a mouse scurried behind Ronald's chair, then another. I let out a squeal. Ronald stiffened and his eyes grew wide. “Caroline, please do not tell me you just saw a mouse.” I realized at that moment that this man, thought to be the “worst of the worst,” a monster who had allegedly killed five people, was deathly afraid of mice. Ronald took one look at the puzzled expression on my face and, understanding how ridiculous this must have seemed from my perspective, shook his head and began to laugh. He laughed at the irony of the situation. He laughed in spite of the pure misery of his surroundings. By the end of that first meeting, Ronald had me laughing as well. Over the years, laughter has been Ronald's sustenance in the truest sense of the word — a means of sustaining life in the face of daily despair. I do not know how he has maintained his ability to laugh given what he has been through, but I suspect it has something to do with the strength and grace of the human spirit — something else that knowing Ronald has taught me a lot about.

### Making a Difference in Malawi

Over spring break, Center for International Human Rights students **Vanessa Ortblad JD '09**, **Heather Renwick JD '10**, and **Rosemarie Maliekel JD '10** accompanied **Bernardine Dohrn** and **Sandra Babcock** to Malawi, where they have assisted the Ministry of Justice in reviewing homicide case files for the last three years.

Approximately one week after they arrived in the country, the faculty and students were asked to investigate and prepare for four murder trials which were to take place during their visit. Each defendant was facing a possible death sentence.

The group made their way up to the prison in Nkhata Bay, a small village on the shores of Lake Malawi, where they interviewed all four defendants. No lawyer had ever spoken to them about their cases, and they were unaware that their cases were set for trial. In interviewing the men, the team discovered that two had acted in self-defense and were innocent. In one case, there were substantial mitigating factors.

The group was divided up into three teams, each of which took charge of investigating one or more cases. They drove to remote villages on muddy roads in the rainy season to track down witnesses and the clients' family members. Malawian paralegals from a terrific NGO served as interpreters, guides, and cultural experts. At one point, students tracked down a police officer who had arrested one of the clients and got him to admit that the client was severely wounded at the time of his arrest, a fact that had appeared nowhere in the prosecution's file.

The students constructed cross-examinations of all witnesses, prepared trial memos, and met with the legal aid lawyers who handled the cases in court. The trials began a week after the team arrived in the country. They were all bench trials, as Malawi lacks the money for jury trials. Villagers packed the room and the open windows of the courtroom to watch the spectacle. The quality of representation was appallingly bad, but, thanks to the team's investigation, each defendant was at least provided with a defense.

Ultimately, the prosecution dismissed all charges against one of the clients. This client, a man who had endured immense tragedy, was completely transformed when he was told he was free to leave. He approached Maliekel, the student who had worked on his case, grasped her hand, and thanked her repeatedly. The delighted team watched him walk out of the courtroom a free man.

Another client, the one whose injuries were corroborated by the arresting officer, was acquitted. A third pled guilty and received a six-year sentence. He will serve less than three years due to the time he has already served. The lenient sentence was made possible by the presence in court of the client's extended family, including his elderly grandfather, all witnesses brought to court by the students. The fourth client was convicted of murder and is awaiting the sentence.

This was an intense and rewarding experience for the students, who worked extremely hard during their two-week stay in Malawi.

### Center on Wrongful Convictions Wins Exoneration for Client

On Friday, May 1, 2009, Thaddeus Jimenez, or TJ, was exonerated after 16 years in prison for a murder he did not commit. TJ was arrested in Chicago for this crime at the age of 13, and is perhaps the youngest arrestee ever exonerated. Two juries convicted him (the first conviction was reversed) and he was sentenced to 45 years in prison.

TJ wrote to **Steve Drizin JD '86** of the Center on Wrongful Convictions (CWC) in July 2005. It took nearly four years of work from a huge team of lawyers and students to secure this exoneration, including attorneys from the CWC (led by Drizin and **Alison Flaum**), students from the center (**Susan Razzano JD '06**, **Susan Tsai JD '06**, **Rachel Steinback JD '08**, **Errin Simpkins JD '08**, **Neil Aggarwhal JD '10**, and **Eric Arredondo JD '09**), a Stanford law student who interned at the center over the summer (Jordan Blumenthal), and a fantastic team of lawyers from the law firm of Katten Muchin Rosenman (**Stuart Chanen JD '85**, **Rachel Vorbeck JD '96**, and Patrick Harrigan). Harrigan is a former student of Keith Findley and John Pray at the Wisconsin Innocence Project.

TJ was convicted on the basis of eyewitness testimony, the most damaging of which came from a 14-year-old boy who was standing next to the victim when he was shot and killed. This 14-year-old boy, who was best friends with the victim and knew TJ well, initially denied TJ was the shooter. However, he was roused in the middle of the night by police and convinced to change his story after other eyewitnesses identified TJ as the shooter. On reinvestigation, the 14-year-old boy, as well as another eyewitness, recanted their identifications to Northwestern Law and Katten attorneys. The CWC took these recantations to the State's Attorneys office, and for the next year and a half, the state reinvestigated the case, eventually joining in a motion to vacate TJ's conviction. TJ would not have been released if not for Assistant State's Attorney Celeste Stack, who came to believe an injustice occurred and championed TJ's case within the office.

Among other interesting facts about the case is that the real killer gave a taped confession to the father of his 12-year-old accomplice, a confession that was ruled inadmissible on hearsay grounds at both of TJ's previous trials. The 12-year-old accomplice, who was adjudicated delinquent in juvenile court for this crime, has always maintained that Juan Carlos Torres was the killer and that TJ had nothing to do with this crime. The CWC expects that the prosecution, which fought very hard to keep the tape out of TJ's trials, may now seek to use the tape in order to convict Torres.

## SBOC Aids Fashion Designers

The Small Business Opportunity Center (SBOC) has recently been providing legal assistance to emerging fashion designers from the Chicago Fashion Incubator. The Chicago Fashion Incubator provides six emerging Chicago-based designers with the resources to launch their fashion careers. Under the supervision of SBOC Director **Esther Barron JD '95**, clinical fellow **Sheila Simhan** and students **Ajay Singh JD '11** and **Andrew Zures JD '11** gave the fashion designers a presentation on trademark law, establishing an appropriate business entity, and a pending bill that would extend copyright protection to fashion designs. The SBOC will also help a few of the fashion designers form their companies and review intellectual property issues.

## Former Death Row Inmate, Ronald Kitchen, Released from Prison

After spending 21 years in prison, Ronald Kitchen was released on July 7, 2009. Faculty and students of the Bluhm Legal Clinic have represented Mr. Kitchen since 2000. More than 60 law students have worked on Kitchen's case.

Kitchen's release was the result of the Illinois Attorney General's decision to dismiss the case, which rested on a coerced statement and the unreliable testimony of a jail-house snitch.

Kitchen's case is discussed more fully in Professor **Carolyn Frazier's** article in this newsletter. A video of Kitchen's release and interviews with Kitchen and his lawyers can be found at <http://www.youtube.com/watch?v=HFSw5To3Qa0>.

## Bluhm Launches Environmental Advocacy Clinic

The Bluhm Legal Clinic has collaborated with the Environmental Law and Policy Center (ELPC) to launch an Environmental Advocacy Clinic that will train students to pursue environmental solutions through strategies that incorporate a broad range of legal and advocacy options. The course is designed to provide a multidisciplinary clinical experience, emphasizing a broad-based view of legal strategy and environmental solutions.

Students will participate in ELPC-led environmental litigation, administrative proceedings, legislative and rulemaking proceedings, and public advocacy and media activities. They will work with ELPC attorneys, scientists, economists, and legislative experts. The clinic will also focus on the development of lawyering and advocacy skills and will include a weekly seminar led by professor **Nancy Loeb** with the participation of ELPC staff. Through their participation in ELPC projects and the seminar, students will develop skills in assessing environmental issues and developing strategies to address a particular issue.

The ELPC is the Midwest's leading public interest environmental legal advocacy and eco-business innovation organization. ELPC develops and leads successful strategic environmental advocacy campaigns to protect our natural resources and improve environmental quality. With a strong track record of litigation, administrative, and legislative successes on clean energy development and pollution reduction,

transportation and land use reform (smart growth versus sprawl strategies), and natural resources protection issues, ELPC is proud to have received Shorebank's Green Neighbor Award (2007), the American Wind Energy Association's National Wind Energy Advocacy Award (2004), and the American Council for an Energy-Efficient Economy's National Champion of Energy Efficiency Award for Energy Policy (2002).

Loeb is a seasoned attorney with extensive experience as counsel at major international companies and in private practice. She was the director of the pilot program for the Environmental Law Clinic during the spring 2009 semester. For the three years prior to starting up the clinic pilot, she served as senior vice president, general counsel and corporate secretary for Takeda Pharmaceuticals, N.A. She previously held senior positions at Honeywell International and General Electric Co. She served as a law clerk for Judge Dolores K. Sloviter on the U.S. Court of Appeals for the Third Circuit (Philadelphia), worked as a legal fellow at the Natural Resources Defense Council, and practiced law as an associate for three years at Arnold & Porter. Loeb has significant knowledge of Midwest environmental protection issues through her lengthy service on the board of the ELPC, where she has provided guidance on both its executive and litigation committees.

# Northwestern Law

**Bluhm Legal Clinic**

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