

Northwestern

PRITZKER SCHOOL OF LAW

Bluhm Legal Clinic

# news & notes

FALL 2016



## Representing Dassey

A Conversation with Steve Drizin and  
Laura Nirider on *Making a Murderer*

### In This Issue

- 2 FROM THE DIRECTOR
- 4 FEATURES
- 10 CASE UPDATES
- 13 CLINIC NEWS

## FROM THE DIRECTOR



Let me make what I hope is an uncontroversial assertion: students learn best when exposed to interactive teaching methodologies that enable them to learn skills and when those skills are used to produce concrete results on behalf of individual clients and/or in support of improvements in our system of justice. This form of legal education has proven to be of immense value to students, to our nation's legal system, and consequently to our society as a whole. It relies upon research, training, and the highest standards of legal practice demonstrated by the most capable of practitioner teachers and scholars. If allowed to continue to flourish, this form of legal education will continue to serve all of legal education's constituents (students, faculty, the practicing bar, society) well. It will also allow legal education to justify itself—both for what is done in law schools and for what they produce. Law schools, like medical schools, should be (and thanks to clinical education) are now, educational settings in which students acquire useful skills (including research, writing, advocacy, communication, leadership, and teamwork) and where they are inspired by what they can accomplish utilizing those skills. Clinical programs—all components of them—are the equivalent of medical labs in which guided learning, collaborative research, and focus problem solving produce innovative and important results equivalent to the work conducted by other teachers researchers, and scholars who work in university settings. There is nothing like being asked to solve a simulated or real problem—especially real problems of clients—that focuses faculty and student attention on the importance of the continuum of lessons learned in law school. If the problems solved in our clinical programs have system-wide impact, so much higher the motivation of our faculty and the satisfaction of our students, not to mention the benefits to our society. Clinical legal education has been and will continue to have positive impact in many important ways.

Let me give you some examples that support the assertions that I've made above. I'll begin with changes in teaching methodology. The focus on the lawyering process developed by Prof. Gary Bellow and other inspirational leaders, and the "learning by doing" approach to skills training developed by the National Institute for Trial Advocacy (and others) was prompted by the involvement of the practicing bar and clinical teachers in a movement to improve what they viewed as a largely stagnated and unresponsive system

of legal education. As a long-standing member of NITA's Board of Trustees, I'm proud that the infusion of NITA teaching materials and its approach to trial advocacy training has been tremendously influential, if not transformative, in legal education—especially as it has supported the notion that interactive teaching methodologies are key to meaningful legal education. NITA is a prime example of what can come from collaborations between the practicing bar and legal education.

*Cover image: Professor Laura Nirider and Professor Steven Drizin.*

The focus on the death penalty and wrongful convictions by clinical programs in collaboration with long-standing efforts of those engaged in the day to day representation of prisoners on death row, resulted in a complete change in the ways in which the courts, the legal profession, and the public view the strengths and weaknesses of our criminal justice system. When I began practicing law (in the far distant past), reviewing courts rarely, if ever, reviewed cases for factual support of a guilty finding. In fact, complete deference was given to factual findings of the court of original jurisdiction. Only technical errors and possible constitutional issues were considered. Now, we focus on what happened before, during, and after trial—often matters outside the record—are key to determining whether justice was done. The remarkable thing is that courts are slowly but surely beginning to recognize this new way of reviewing criminal convictions. Our Center on Wrongful Convictions (along with many other innocence clinics) has been and is a leader in this important transformation of our criminal justice system.

The focus of clinical legal educators on legal issues affecting children has also created a dialogue and a national laboratory that has produced impressive results. Because of the attention focused by law school clinical programs on issues arising from the delinquency and child protection jurisdictions of juvenile courts, there is a long list of improvements that can be attributed to law schools as they have collaborated with the organized bar, with foundations, and with alumni around issues involving justice for children and families. These accomplishments include slow but steady improvement in the operation of juvenile courts through emphasis on the importance of these courts, the recognition, based on empirical research, of the developmental differences between children and adults, and utilizing that research to challenge past practices that have been unjust to children and harmful to our society. Our Children and Family Justice Center, one of the first child law clinical programs in the country, has been in the forefront of this movement. Perhaps the best known recent example of the impact of clinical legal education in this area has been the work of my colleagues Steven Drizin and Laura Nirider on behalf of Brendan Dassey, the teenager whose plight is highlighted in the blockbuster, *Making a Murderer*.

More recently, law schools and their clinical programs have expanded the reach of experiential learning to include

transaction-based clinics. This has brought a new constituency and, consequently, a new energy to legal education and to clinical legal education. Perhaps the most exciting and meaningful recent development in this area has occurred at this law school with the creation of the Donald Pritzker Entrepreneurship Law Center—an enterprise that will allow even more collaboration with local startups and with the Kellogg School of Management.

On the international front, clinical programs are on the front lines, along with individuals and NGOs who seek to strengthen the rule of law, access to justice, and adherence to basic human rights standards. These activities range from conducting research and participating in the activities of international criminal tribunal (as exemplified by the work of our colleague, Amb. David Scheffer, director of our Center for International Human Rights) to the representation of individual prisoners confined in Malawi's prisons. The reach of clinical teaching methodology has been extended around the world by organizations such as the Global Alliance for Justice Education, an incredibly effective organization composed primarily of clinicians. Here at Northwestern, our clinical faculty has established relationships with law faculties in Ethiopia that have enabled collaborations that have been of benefit to students and faculty here and in Ethiopia.

The accomplishments of the Bluhm Legal Clinic and of other clinical programs throughout the country is made possible by law schools' commitment to education, to research, and to public service and by the engagement of the best of the profession in this enterprise. This commitment by legal academics and educators supports creative, dedicated, and innovative and influential faculty and thus the educational experiences of the many students who benefit so greatly from what we have to offer. This support by institutions of higher learning also enables clinical faculty, through their research and advocacy, to contribute to the many conversations that support the evaluation and implementation of new ideas based on experience.



Thomas F. Geraghty  
Associate Dean and Director

## FEATURES

### Supreme Court Ruling Limits Sentencing for Juveniles

On January 25, 2016, the United States Supreme Court issued a ruling in *Montgomery v. Louisiana*, which places meaningful limits on the practice of sentencing juveniles to life without parole.

“The Court’s decision in *Montgomery* is the result of the work of many extraordinary advocates across the country, many of them my colleagues here at Northwestern Law,” said Professor Thomas F. Geraghty, director of the Bluhm Legal Clinic. “The Children and Family Justice Center has long worked on the issue of ending the practice of sentencing children to die in prison without any possibility of review or release. And the Center on Wrongful Convictions of Youth is devoted to ensuring that evidence used against juveniles is reliable. Our collective efforts are moving the cause of improving criminal justice for young people in this country forward.”

They have contributed amici for other cases cited in the *Montgomery* decision as well.

CFJC clinical professors, along with attorneys and advocates from around the country, filed friend-of-the-court briefs in *Roper v. Simmons*, which banned the death penalty for youth under eighteen, and *Graham v. Florida*, which banned life-without-parole sentences for non-homicide offenses committed by youth under the age of eighteen.

CWCY clinical professors authored amicus briefs in *Miller v. Alabama*, which held that juveniles convicted of homicide offenses could not be sentenced to life without parole, absent individualized consideration of youth-specific factors, and in *J.D.B. v. North Carolina*, which held that a suspect’s juvenile status must be considered in determining whether the suspect is

that occurred in 1963 when he was seventeen years old.

The *Montgomery* decision, authored by Justice Kennedy, held *Miller* retroactive. In so doing, the Court drew upon its previous decisions in *Roper*, *Graham*, and *Miller*, clarifying that “*Miller* did bar life without parole. . . for all but the rarest of juvenile offenders, those whose crimes reflect permanent incorrigibility” and holding that *Miller* announced a substantive rule that requires retroactive application to cases on state collateral review.

“The *Montgomery* decision cements what the Court has been saying for over a decade now,” said Shobha Mahadev, clinical assistant professor of law in the CFJC, who directs the Center’s work on the issue of lengthy sentences imposed on youth.

“Children are biologically and developmentally different from adults and those differences have constitutional significance. The Court has now declared—in no uncertain terms—that society’s harshest possible sentences can only be imposed on children in the rarest of circumstances, when rehabilitation is demonstrably impossible.”

The Court further held: “In light of what this Court has said in *Roper*, *Graham*, and *Miller* about how children are constitutionally different from adults in their level of culpability, however, prisoners like *Montgomery* must be given the opportunity to show their crime did not reflect irreparable corruption; and, if it did not, their hope for some years of life outside prison walls must be restored.”

“As a result of this decision,” Geraghty said, “2,000 or more individuals around the country sentenced to life without any possibility of parole, for crimes that occurred when they were children, will now have the opportunity to have their sentences reviewed and to demonstrate their rehabilitation.” ■



Attorneys in the Children and Family Justice Center (CFJC) and the Center on Wrongful Convictions of Youth (CWCY) co-authored an amicus brief in *Montgomery* on behalf of over 100 organizations and individuals across the country, which argued “children are fundamentally different than adults in meaningful ways that require special consideration at sentencing.”

considered to be in police “custody” under *Miranda v. Arizona*.

The CFJC, the CWCY, and the Supreme Court Clinic worked together to host a moot argument for Mark Plaisance, the attorney who argued at the Supreme Court on behalf of Mr. Montgomery. Montgomery is serving a life-without-parole sentence for a crime

## Advanced Appellate Advocacy Textbook Published

Earlier this year, four Northwestern Law faculty in the Bluhm Legal Clinic’s Appellate Advocacy Center released a first-of-its-kind textbook, *Advanced Appellate Advocacy* (Aspen Publishers, 2016). The *Northwestern Law Reporter* spoke to Susan E. Provenzano, professor of practice, and Sarah O’Rourke Schrup, Harry B. Reese Teaching Professor of Law—who coauthored the book with adjunct professors Jeffrey T. Green and Carter Phillips (JD ’77)—about their decision to write the book and what makes it distinct.

### Why did the four of you decide to write this book together?

We decided to write this book because in teaching our advanced appellate simulation and clinical courses, we found that we could never find one book that met our needs—namely, a book tailored to pushing our second- and third-year students towards mastery. We had been cobbling together coursepacks over the years, but wanted to be able to provide our students a one-stop tome that would serve as a resource to them not only during the time they spent in our courses, but also for years afterwards as they honed their writing and analytical skills in practice. Once we decided that this type of book needed to be written, it was easy to decide to write it together. We had been teaching appellate classes at Northwestern Law together for nearly ten years.

### How is it different from previous textbooks on appellate advocacy?

The number one difference is sophistication. This book aims to put students in the shoes of appellate lawyers, facing the same challenges and making the same strategic decisions at every

step of an appeal. Before upper-level appellate courses began to populate law school curricula, appellate advocacy textbooks were written for first-year students and needed a more simplified approach. As appellate clinics and simulations grew, the market for an



Susan E. Provenzano



Sarah O’Rourke Schrup



Jeffrey T. Green



Carter Phillips

advanced appellate advocacy book did too. Our book has three distinctive features that meet advanced course needs. First, the research, writing, and oral argument instruction moves students beyond elementary approaches and teaches more flexible and sophisticated techniques used by expert practitioners. Second, the book’s argumentation instruction is multi-disciplinary, drawing on the latest research in rhetoric and cognitive psychology. Third, the book covers appellate

doctrine that every lawyer needs to know, not just the skills they must have to win appeals.

### The online companion features some bonus content, including video interviews. Can you share some of the highlights?

One differentiating feature of this book was our deliberate decision to streamline the text of the book so that it could deliver the essential information to students in an efficient and direct way. We wanted students and young practitioners to be able to turn to the book for guidance without having to wade through pages of exercises and

companion are designed with those goals in mind.

### Have you had an opportunity to use the book in class yet? If so, what was the experience like?

Yes, we used the book this past spring in the Appellate Advocacy simulation course. It was an exhilarating and satisfying experience, although not without trepidation, especially at the beginning. Anytime you teach using your own material, you hope that you’ve understood your audience, that you’ve anticipated their needs, and that the messages you’ve sent are the messages they are

receiving. The feedback during and after the semester gave us confidence that we hit those marks. But the proof was really in the day-to-day classroom engagement and students’ own confidence. We saw students experimenting with high-level techniques and turning in work product that exceeded our—and maybe even their—expectations. But most rewarding of all, we observed students taking ownership of their writing process and feeling deeply connected to their work product. ■



Professor Laura Nirider, left, and Brendan Dassey, center back, listen as Professor Steven Drizin, right, questions Calumet County District Attorney Ken Kratz (not pictured) during a post-conviction hearing in Manitowoc County, January 15, 2010.

## Representing Dassey

### A Conversation with Steve Drizin and Laura Nirider on *Making a Murderer*

In December 2015, Netflix debuted *Making a Murderer*, a ten-part documentary series about Steven Avery, a Wisconsin man convicted of sexual assault in 1985, only to be exonerated by DNA evidence and released in 2003. In 2005, while he had a \$36 million civil lawsuit pending against county and law enforcement leaders, he was arrested for the murder of a twenty-five-year-old woman last seen on his property.

During the course of the investigation, Avery’s then-sixteen-year-old nephew Brendan Dassey was also charged with being a party to first-degree intentional

homicide, mutilation of a corpse and first-degree sexual assault. Avery and Dassey were found guilty, in separate trials, in 2007.

The Bluhm Legal Clinic’s Center on Wrongful Convictions of Youth took up Dassey’s case in 2008. Professors Steven Drizin (JD ’86), Laura Nirider (JD ’08), and Thomas Geraghty (JD ’69) have represented Brendan through his appeals process and feature prominently in Episode Ten of the documentary.

We spoke with Professors Drizin and Nirider about Dassey’s case and their reaction to the series.

**How did Brendan’s case come to you and how did you decide to take it on?**

Steven Drizin: In October 2007, I was approached by several criminal and juvenile defense lawyers from Wisconsin who asked me if I would represent Brendan Dassey pro bono in his appeal. They came to me because I had worked on both juvenile justice and wrongful convictions cases and had particular experience working on false confession cases. I agreed to take the case and began to build a team to assist me. That team grew to include Laura Nirider, Josh Tepfer, Tom Geraghty and Robert

Dvorak, a criminal defense attorney from Milwaukee, and a number of law students over the years, including Adair Crosley (JD '10), who has a cameo in the series.

I agreed to consider the case because I respected the people who asked me to take the case, but as I dug deeper, I felt that the Center could help Brendan and thought it would be a good case for Northwestern's students to work on. After I met Brendan, I knew I had no choice but to take the case.

Over the years, Laura Nirider, who stayed with the case while at Sidley and Austin, LLP, and who I eventually hired to come work with me and Josh at our new project—the Center on Wrongful Convictions of Youth— has gradually assumed the role of lead lawyer.

We saw [Clinic Director] Tom Geraghty appear briefly in the series as well.

What was his role in the case?

SD: Tom is the most experienced trial lawyer on the team. Once I knew we were going to have an evidentiary hearing [in Manitowoc County in 2010], I asked Tom to join the team. Viewers get a glimpse of his textbook cross-examination techniques in Episode Ten.

You've spoken before about how improper interrogation techniques elicit false confessions, and the videos of Brendan's interrogations provide a pretty clear example of that. What can law enforcement learn from this, and what are better practices?

Laura Nirider: The most important lesson from *Making a Murderer*, in my view, is that juvenile false confessions are a real problem with terrible consequences for the justice system. Fortunately, there are resources out there that can help law enforcement learn how to avoid false confessions. The International Association of Chiefs of Police has published an excellent protocol, which is available online, on how to question children while reducing the risk that they falsely confess. Its recommendations include involving a parent or, better yet, an attorney in the interrogation process; avoiding psychologically coercive tactics like implied promises of leniency and deception; and taking care not to disclose any facts about the crime to the child during the interrogation.

Have you watched the whole series yet? What was your overall reaction?

SD: I actually saw the film a few days before it was released. I watched it in two days. The film left me reeling. My immediate reaction was to tell everyone I knew that they had to watch the film.

LN: Yes, I've watched the whole series. Frankly, parts of it were hard to watch, though of course I had seen most of the footage previously; it's always hard to watch someone as gentle and kind as Brendan suffer as he did. My reaction was deep gratitude that Brendan's story had finally been told in a way that would connect with so many viewers.

*Making a Murderer* has been hugely popular. What do you hope a wide audience will take from it?

LN: The first lesson of *Making a Murderer*, in my view, is that false confessions are a reality. I hope that when someone who has watched *Making a Murderer* is called to serve on a jury, and when that person hears that the defendant confessed, I hope he or she doesn't immediately assume that the defendant is guilty. Just because someone confessed does not automatically mean that he or she is guilty. Period. And Brendan, sadly, is the poster child for that reality. ■

## Dassey's Conviction Overturned, State Appeal Pending

On August 12, a federal judge in Milwaukee overturned Brendan Dassey's murder conviction, Judge William Duffin—responding to a petition for writ of habeas corpus—found Dassey's confession in the murder of Teresa Halbach was involuntary, in violation of the Fifth and Fourteenth Amendments. On September 9, the State of Wisconsin filed an appeal to the Seventh Circuit, seeking to reverse Judge Duffin's decision to overturn Dassey's conviction. Drizin and Nirider responded:

“We are disappointed in the State's decision to prolong Brendan's case by seeking an appeal. We look forward to continuing to defend his rights in court. Like Brendan, we remain grateful to his many supporters for their continued loyalty and strength.”

## Restorative Justice Practicum

### New practicum offering provides an alternative view to the traditional legal system—and law school classes

Most law school classes don't involve sitting in a circle, facing the rest of the class, talking about problems that have come up during the week, and sharing ideas on how to solve them, but that's what happened each week in the Restorative Justice Practicum taught by Annalise Buth, the first M.R. Bauer Foundation Clinical Fellow in Dispute Resolution with the Bluhm Legal Clinic's Center on Negotiation and Mediation.

"It's not like a law school class that I've been in, in the best way ever," said Laura Pone (JD '16), one of the eight students in the Spring 2016 practicum, the first offering of the course.

The practicum—where students work twelve hours per week at organizations in the community and meet weekly as a group for a corresponding seminar—is an expansion of the Center on Negotiation and Mediation's offerings related to restorative justice, a practice that focuses on repairing harm.

"Restorative justice requires a shift in the way we think about wrongdoing," said Buth. "Instead of looking at what law or rule was broken, who did it and how to punish them, restorative justice asks – what was the harm, who was harmed, and how do we repair it?"

At the beginning of the semester, the class went through an intensive two-day training on leading circles, a core practice of restorative justice based on indigenous traditions. They used the circle framework throughout the semester during class time.

"It's a value-based communication process that can be used for resolving conflict, community-building, and healing," said Buth.

Students in the practicum were able to see how restorative practices could work not just in the outside world, but within their law school experiences.

"I left our training saying every first year student in every law school in America needs to sit in a circle during October of their 1L year, because it's a really stressful time and just knowing everyone's on the same page, I think that would be a really powerful thing," said Pone.

Buth and the Center on Negotiation and Mediation have facilitated community

After taking multiple negotiation and mediation classes, and serving as a teaching assistant for a negotiations course, Pone was interested in continuing to examine alternative ways to resolve conflict, while also branching out into the public interest sphere before leaving law school. Her placement with Equip for Equality, the federally-appointed advocacy organization providing legal services to people with disabilities for the state of Illinois, provided that opportunity.

During her externship with Equip, Pone worked on the team dealing with students where her duties included helping



Laura Pone (JD '16) (right) with her supervisor Margie Wakelin (JD '08), worked at Equip for Equality, an advocacy organization providing legal services to people with disabilities, during her spring restorative justice practicum.

circles at the Law School—including one led by Pone and others at the end of the Spring 2016 semester— and will continue to do so in the coming years, "bringing restorative practices to our own community, giving people a chance to share their experiences and hear others."

Outside of the classroom, students saw the different ways restorative justice could impact communities.

to draft a toolkit for Chicago Public School administrators.

"I specifically looked at how to adapt restorative practices for kids with special needs. There are a million different ways to do restorative justice and if you have a student with a disability, there may be a different method that you use or a way to adapt existing methods to make everyone comfortable and still ultimately achieve the



goals of a restorative practice.”

Kelly Mennemeier (JD '16), another student in the practicum, worked for Lawndale Christian Legal Center (LCLC) for her placement. LCLC provides legal services to youth, taking a holistic approach that pairs them with social workers and mentors.

In her practicum placement, Mennemeier put together mitigation packages—information and letters given to the Court supporting their clients in the hopes of reducing sentences—and attended meetings as LCLC and other Lawndale organizations prepare to help pilot the City of Chicago’s first restorative justice community court.

“The juvenile court system has the possibility of being restorative justice-oriented. The kids build longer-term relationships with judges so there are opportunities for them to grow and prove themselves successful,” Mennemeier said.

Pone, who will join the Chicago office of Quarles & Brady in the fall, said that even though she is entering into a more traditional practice, she expects to bring the skills she learned through restorative justice into her work and hopes more lawyers do the same.

“Having more people exposed to this mindset is a big thing. Acknowledging that there are other options out there, that maybe the way we’ve always done things isn’t the best. Restorative justice practices help you relate to people better and make you a better listener.”

Mennemeier, who will do a yearlong clerkship in Alaska before joining Seattle firm Foster Pepper, agreed that the teachings of restorative justice can be more widely applied.

“One of the things that I’ve taken away from the class and from my practicum is that there isn’t just one model for restorative justice, and there are ways that one can live or practice restoratively without having formal circles or victim-offender dialogues—so I hope to incorporate that into my life.” ■



*Judge Gloria Patricia Porras Escobar*

## Judge Porras of Guatemala Receives Third Annual Global Jurist Award

Northwestern Pritzker School of Law’s Center for International Human Rights (CIHR) awarded its third annual Global Jurist of the Year Award to the Honorable Gloria Patricia Porras Escobar, president of the Guatemalan Constitutional Court.

Judge Porras was elected to the Court in 2011. She has adjudicated some of the most crucial issues in Guatemala today, showing leadership and commitment to the rule of law in the face of adversity and considerable political pressure. For example, in May 2013, the case of former de-facto head of State General Efraín Ríos Montt came to the Court on procedural grounds following his conviction for genocide and crimes against humanity. Judge Porras dissented in allowing the injunctive relief requested by Montt because the matter was not in the Court’s competence. The majority opinion effectively nullified the guilty verdict that had been issued against Ríos Montt 10 days before.

In 2015, Judge Porras led the Court in a 3-2 vote to approve the removal of the Guatemalan president’s investigative immunity in the midst of a deepening corruption scandal, which already had resulted in the resignation of the vice president. This followed a decision by the Court to temporarily block the investigation in a 3-2 vote in which Porras was absent and replaced by an alternate. As a result of the investigation, the president of Guatemala resigned on Sept. 3 and was charged with bribery and related charges five days later. Last November, Judge Porras’ own colleague on the Court was arrested and charged by the US in the FIFA international fraud case.

“These are but two examples of Judge Porras’ commitment to justice in a fragile state, often at great personal risk of reprisals,” said David Scheffer, Mayer Brown/Robert A. Helman Professor of Law at Northwestern and director of the CIHR.

The Global Jurist of the Year Award is designed to honor a sitting judge, whether in an international or national court, who has demonstrated in his or her career courage in the face of adversity to uphold and defend fundamental human rights or the principles of international criminal justice. Jurists from all nations and tribunals are eligible for consideration. ■

## CASE UPDATES

### Jason Strong Exonerated

Bluhm Legal Clinic team’s seven-year effort to reverse a wrongful conviction

Jason Strong was convicted of murder in 1999 after a trial in Lake County, Illinois. Bluhm Legal Clinic Director Thomas Geraghty led a team of faculty, students, and alumni on a seven-year effort that resolved complicated procedural problems and uncovered facts in the case that revealed Strong’s innocence. His conviction was vacated in May of 2015 and he was released from prison, a free man.

When Bluhm Legal Clinic Director Tom Geraghty (JD ’69) got a call from US District Judge Matthew F. Kennelly in 2008 asking him to represent Jason Strong at his habeas corpus hearing, Geraghty didn’t think twice about accepting. Beyond the legal issues relating to the statute of limitations on the petition itself—which were interesting in their own right—Geraghty was intrigued by Strong’s innocence claim and the unusual facets of the case, notably, the fact that the victim was identified several years after her body was found.

Because the case had both procedural and investigative elements, Geraghty set simultaneous tracks in motion in the clinic, with some students working on the habeas petition and exhausting all state remedies before approaching federal court, while others investigated the innocence claim. Over the years, the case engaged multiple classes of law students and clinic faculty who devoted hundreds of hours to uncovering the facts.

#### A FALSE ACCUSATION, A FALSE CONFESSION

On December 9, 1999 the body of an unidentified woman was found in a forest preserve near North Chicago. During the initial investigation, police followed a lead provided Jeremy Tweedy, who mentioned Sunderlin’s death to an undercover officer.

Tweedy identified Strong as one of two men who beat and tortured her before dumping her body, a story that became central to the case against Strong. But Tweedy’s story kept changing; he gave conflicting statements, and he later said that he had been coerced by law enforcement.

Strong confessed to the crime under interrogation; later, he also said his confession was coerced. He was found guilty in 2000 and sentenced to 46 years in prison.

It wasn’t until 2006 that authorities identified the victim as Mary Kate Sunderlin. With that identification, other facts supporting Strong’s innocence claim began to surface, and in 2007 he filed the petition that ultimately brought the case to Geraghty and the Bluhm Legal Clinic.

Because the clinic became involved eight years into the case, many of the team members who initially worked on it spent a great deal of time getting caught up. Jeff Davidson (JD ’09) remembered hours in the clinic conference room poring over transcripts, and piecing together the history of the case. Brian J. Nisbet (JD ’09), one of the two students who worked on the case from its inception to the end, described it as a “complex factual case,” and believes the clinic team was the first to investigate Mary Kate Sunderlin’s life.

Among the key figures the team identified were Correen and Tracy Lewis, a

mother-daughter con team who had been convicted of defrauding elderly people, and Gonzalo Chamizo, a mentally disabled man Sunderlin had been married to a few months before she was killed. In researching their criminal and employment histories in order to better understand their relationship to Sunderlin, alternative theories of the case emerged. The more they learned the stronger Strong’s innocence claim became.

In 2009, they had their first big break when they spoke with Jeremy Tweedy, who recanted the story he told police. Nisbet called it a “major stepping stone” for the investigation—although getting Tweedy to actually sign an affidavit officially recanting his original testimony was a more difficult process.

#### A NEW LAKE COUNTY STATE’S ATTORNEY

During the course of the seven years the clinic worked on the case, the Lake County State’s Attorney’s office experienced a change in leadership.

Michael Mermel, senior trial attorney in the Lake County State’s Attorney’s office when it was headed by Michael Waller, built the state’s case against Jason Strong in 1999. Mermel had a reputation for discounting post-conviction evidence, going as far as telling the *Chicago Tribune* in an interview: “The taxpayers don’t pay us for intellectual curiosity. They pay us to get convictions.”

In 2012, Mermel retired, and Michael Nerheim was elected to lead Lake County office. A prosecutor who entered office with a reform agenda, Nerheim immediately created an independent conviction integrity unit and began to review convictions.

Judy Royal (JD ’81), visiting clinical assistant professor of law, believes Nerheim taking over as state’s attorney in Lake County was a pivotal turning point in the case. As an attorney who worked on another wrongful conviction case in Lake County for client Juan Rivera, she was familiar with how the Lake County office had operated in the past.

Royal had provided counsel on the Strong case as early as 2010, and when Nerheim took over, she wanted his Conviction Review Panel to agree to further DNA testing of items from the Sunderlin investigation. These findings would allow the team to keep building the case for Strong's innocence.

### FORENSIC DISCOVERY

During an unprecedented meeting with attorney general's staff in 2013, the clinic argued that by gaining access to forensic and medical reports they believed they could open doubt to the integrity of the conviction. Royal described the meeting as a "cooperative search for the truth," and one that led to a reinvestigation of Strong's innocence claim.

Maria Hawilo, clinical assistant professor of law, joined the Bluhm Legal Clinic in 2013, and went on to pursue the forensic and medical evidence marshalled in the case. She recalled unusual autopsy video footage and incongruences between the state's description of the victim's body, and what the medical evidence showcased. Hawilo believes the medical records provided "one of the first pieces of objective evidence," and that even with the most sensitive DNA testing available they couldn't find any material linking Strong to the victim.

Perhaps the key revelation from the mounting forensic evidence was that timing and cause of death didn't square with the state's theory that Strong met Sunderlin, and over the course of 12 hours, tortured and killed her. Instead, the medical records pointed to longer term injuries and a time of death up to 72 hours before her body was discovered.

As the investigation eroded the state's original case, Charles DeVore (JD '11)—who worked on the case over six years—recalls feeling a "sense of injustice that was heightened at every turn. Every piece of information we uncovered supported the idea that Jason Strong did not do this."

### CONVICTION VACATED

When the team presented the medical evidence to the Lake County state's attorney's office with an independent forensic pathologist verifying key facts, Nerheim's office regrouped. Together with Assistant Attorney General Vincenzo Chimera, an agreement was reached. The attorney general's office granted Strong's habeas petition, in effect granting him a new trial, and the Lake County state's attorney's office decided not to pursue a new trial based on the innocence claim. Strong's conviction was vacated in May of 2015 and he was released from prison.

"Watching Jason walk out of prison after so many years is a moment I'll never have again," said David Luger (JD '09). Luger,

Regardless of their familiarity level, they all marveled at the experience of working with such a large and committed group over so many years.

Luger was involved in nearly every aspect of the case, from drafting petitions and appeals at the state and federal level to tracking down key witnesses, including Jeremy Tweedy. When it came time to graduate, Luger felt compelled to continue working on the case, and he and Nisbet together brought it to Winston and Strawn as pro bono work.

DeVore, Luger, and Nisbet's consistent presence on the case provided a backbone of institutional knowledge that proved critical over the years, and DeVore highlighted



Brian Nisbet (JD '09); Visiting Clinical Professor Judy Royal (JD '81); Clinical Professor Maria Hawilo; Strong's grandmother, Cece Benovsky; Strong's mother, Debbie King; Jason Strong; Professor Thomas Geraghty (JD '69); Clinical Fellow Greger Calhan; and David Luger (JD '09).

DeVore, and Nisbet, the three attorneys who worked on the case from law student to practicing attorney, all went down to Menard Correctional Facility to be there when Strong was released.

"This case is the high water mark of my career," said Nisbet. "It is a reminder of how powerful the profession can be."

For some students, the Jason Strong case was their first encounter with criminal law, and for others it was one of several post-conviction cases they were working on.

Geraghty's crucial role in keeping momentum in the case going, even as students cycled in and out of the project and new faculty members were brought on.

"There's an inherent difficulty of keeping a case like this going with students," DeVore said. "Tom maintained continuity, and that made all the difference."

Royal, too, praised Geraghty's role in leading the team. "Tom works every case like it's the only one he has. He inspires people to do everything they can." ■

## New Sentences in Juvenile Life Without Parole Cases Following Supreme Court Ruling

LINDSEY C.

Following a resentencing hearing held pursuant to the United States Supreme Court case *Miller v. Alabama*, Lindsey C., a client in the Children and Family Justice Center, was given a new sentence. Lindsey C. was previously convicted of first degree murder and armed robbery based on his involvement as the “getaway driver” in an incident that tragically resulted in the death of two store clerks in 1991 when Lindsey was 17 years old. Although he never intended for anyone to be killed and did not pull the trigger himself, he was given a mandatory sentence of life without the possibility of parole.

Approximately five years ago, the CFJC began representing Lindsey and ultimately obtained a resentencing hearing pursuant to *Miller v. Alabama*. At the hearing—which spanned months and included several days of testimony and arguments—Lindsey’s legal team presented extensive evidence regarding his childhood, which was marked by poverty, drug abuse, neglect, and an environment filled with notorious gang leaders who abused and influenced him. On March 17, following several days of testimony, a circuit court judge, citing Lindsey’s “brutal and dysfunctional” childhood and his “remarkable” record of rehabilitation in prison, sentenced Lindsey to 50 years in the Illinois Department of Corrections. Given Lindsey’s 24 and a half years in prison and the sentencing scheme in effect at the time of the offense, he was ultimately released on June 21, 2016.

Lindsey’s legal team included Northwestern Law and Clinic alumni Rusty Perdew (JD ’99) and Ryan Holz (JD ’07), CFJC attorneys Shobha Mahadev and Scott Main, social workers Marjorie Moss and Kasia Majerczak, and students Dana Amato and Allyson Bain.

JAIME H.

As part of the CFJC’s continuing commitment to litigation and advocacy regarding extreme sentencing of youth, CFJC students Stephanie Asplundh (JD ’17), Margot Ettleson (JD ’16) and Matt Monahan (JD ’17) partnered with clinic alumni Samantha Woo (CFJC ’12) and Kathryn Dore (CWC ’11), to represent Jaime H., who had been sentenced to life without parole as a juvenile. This amazing team, which was assisted by Jones Day attorneys Deborah Huerta and Ted Chung (JD ’93) and supervised by CFJC Legal Director Ali Flaum, succeeded in getting Jaime re-sentenced to a term of years that will allow him to one day return home. ■

## Circuit Court Grants Charles Johnson a New Trial

CWC client Charles Johnson was granted a new trial on July 11, 2016, based on fingerprint evidence discovered after trial that points away from Mr. Johnson and his codefendants, and points instead to an alternative suspect. ■

## Circuit Court Grants Gabriel Solache’s Post-conviction Petition

On July 29, 2016, a Cook County Circuit Court judge granted Gabriel Solache’s post-conviction petition, which was first filed by the Center on Wrongful Convictions in 2003. Judge James Michael Obbish found that Mr. Solache and his codefendant, Arturo Reyes, made a substantial showing that their confessions were obtained through abuse and coercion by former Chicago Police detective Reynaldo Guevara. ■



Davontae Sanford

## Davontae Sanford is Free at Last

Davontae Sanford was just 14 when he was arrested outside of his home in his pajamas and coerced into confessing to a quadruple homicide he had no knowledge of and certainly did not commit. On June 8, 2016, at the age of 23, Davontae finally walked out of prison, thanks to the efforts of the Center on Wrongful Convictions of Youth and others on his large legal team. ■

## CLINIC NEWS

### Bluhm Legal Clinic Continues to Provide Support for Legal Education in Ethiopia

Continuing a long history of assisting and facilitating the development of legal education in Ethiopia, Thomas Geraghty (JD '69), director of Northwestern Pritzker School of Law's Bluhm Legal Clinic, organized a three-day conference and training workshop on clinical legal education at Addis Ababa University over the winter break. Geraghty was joined by Meredith Martin Rountree, a visiting assistant professor of law, and Rob Owen, clinical professor of law.

The program opened with a day of presentations and discussions, followed by two days of training designed to familiarize Ethiopian law faculty with methods and models of clinical education used in the United States.

Kimberly-Claire Seymour (JD '16) attended the conference and workshop, and spoke about the value of experiential learning from a student's perspective. She was struck by how committed Ethiopian faculty members were to providing the best possible opportunities for their students, despite significant resource constraints.

"Unreliable electricity, little access to published legal resources, lack of affordable transportation to remote client sites, and a very tense political climate are everyday challenges facing local faculty and students," Seymour said. "Despite these discouraging circumstances, our local partners were incredibly enthusiastic and welcoming of the opportunity to continue the development of clinical legal education in Ethiopia, and their unwavering dedication both to their students and to their service of vulnerable and marginalized communities was truly inspiring."

Those significant challenges meant the Northwestern Law faculty couldn't just impart best practices, but had to help develop solutions specific to the realities of Ethiopia's legal education, Rountree said.

"We can't just take an American model of clinical education and plug it into Ethiopia," Rountree said, "We need to work with our Ethiopian colleagues to adapt it to their context."

Geraghty first visited Ethiopia as a Northwestern Law student in the 1960s. He reconnected with colleagues at Addis Ababa University after the communist regime was overthrown in the 1990s to help build the country's legal education infrastructure. Understanding how important practical training through clinical work is to a quality legal education, Geraghty is committed to a series of exchanges between Northwestern Law clinical faculty and their Ethiopian counterparts. Geraghty also travelled to Ethiopia in July 2016 to participate in a validation conference for Addis Ababa University's proposed PhD program in Law. Professor Robert Burns supported the efforts by drafting a detailed evaluation of Addis Ababa's proposed PhD program. Geraghty presented the evaluation at the conference.

"There is a huge expansion of legal education in Ethiopia, based in part on the demands of their growing economy," Geraghty said. "We are responding to their requests for technical assistance in this area."

He added that it's not just the Ethiopian faculty who benefit from the exchange.

"It's important for us to see how legal systems work and evolve in different environments; how of the rule of law comes to be, or not. There are interesting research possibilities for our faculty and terrific opportunities for our students to work in support of young legal educators. We get to see the thirst for knowledge in the face of a staggering lack of resources. It offers a real broadening of perspective." ■

### Negotiation Team Wins ABA National Competition

Mackenzie Drutowski (JD '16) and Jeff Wysong (JD '16) won the ABA Law Student Division Negotiation Competition held at the ABA's 2016 midyear meeting in San Diego.

Drutowski and Wysong won the regional competition last fall. At the midyear meeting, they beat fellow regional finalists from the University of Illinois as well as teams from across the country, including finalists from Liberty University School of Law and University of California, Berkeley, School of Law.

The final competition required them to negotiate four different problems in two days on the topic of information law.

"I was really enjoying my negotiations class and I thought it would be great to get more practice," Drutowski said, explaining why she decided to join the team in 2014. "My experience on the negotiations team has been a highlight of my law school experience—I learned a lot about myself as a negotiator."

"Winning was a wonderful affirmation of how much Jeff and I have learned and grown," she continued. "I cannot thank everyone at the Center on Negotiation and Mediation enough for the enormous amounts of time and energy they invested in us."

This is the third year in a row a team from Northwestern Law—coached by Alyson Carrel and Daniel Gandert, clinical assistant professors in the Bluhm Legal Clinic's Center on Negotiation and Mediation, and Lynn Cohn, the Center's director—has competed in the national ABA Negotiation Competition. ■

*Jeff Wysong and Mackenzie Drutowski*





## Bartlit Center Team Wins Regional AAJ Student Trial Advocacy Competition

A Northwestern Pritzker School of Law Bartlit Center Trial Team won first place in the Midwest Regional of the American Association for Justice (AAJ) Student Trial Advocacy Competition held March 10 to 13 in Chicago.

The victory in the AAJ competition is Northwestern Law's second regional championship of the season, having won the National Trial Competition Midwest Regional last month. This is the first time that Northwestern Law has qualified for the national championships of both major trial advocacy competitions in the same year.

In the AAJ competition, Cassandra Myers (JD '16), Christian Segar (JD '17), Patrick Cordova (JD '17) and Michael Ovca (JD '17) captured first place, ahead of teams from 14 other law schools.

The Northwestern Law team defeated Wayne State University Law School and University of St. Thomas School of Law in the preliminary rounds, and went on to beat Chicago-Kent College of Law in the semi-finals and Loyola University Chicago School of Law for the regional championship. They will now go on to compete for the AAJ National Championship, to be held March 31 to April 3 in New Orleans.

The head coach of the Bartlit Center's AAJ team is Robert Robertson of the Law Offices of Robert Robertson. Northwestern's other coaches, all of whom are alumni and former trial team members, are Mark Duric of Nicolaides Fink Thorpe Michaelides Sullivan LLP; Kendrick Washington, adjunct professor of trial advocacy at Northwestern University; Anne Yonover, judicial law clerk to the Honorable Charles P. Kocoras of the Northern District of Illinois; Mary Kim of Dechert LLP; and Andrew Cockroft of Seyfarth Shaw LLP.

Steven Lubet, Williams Memorial Professor of Law and director of the Bartlit Center on Trial Advocacy at Northwestern, congratulated the students and their coach.

"I cannot say enough good things about Rob Robertson," Lubet said. "He is a great lawyer and a great coach who instructs our students in the intricacies of evidence and technique, while always keeping his eye on the bigger picture of overall strategy and absolute professionalism."

Robertson praised his students for their hard work and dedication.

"This team exemplifies all that I have come to expect from Northwestern Pritzker law students: They are intelligent, exhibit professionalism, have an outstanding work ethic and the strength to trust themselves to handle any situation that presents itself. ■

## Bartlit Center Team Wins Regional Trial Competition

A team from the Bartlit Center for Trial Advocacy won the National Trial Competition's recent Midwest regional championship.

Michael Maione (JD '16) and Stacy Kapustina (JD '17) came in first place. Maione was also named the competition's Outstanding Advocate. Another Bartlit Center team, Douglas Bates (JD '17) and Kelly Mennemeier (JD '16), also reached the playoff rounds. The teams were coached by Richard Levin.

Steven Lubet, Williams Memorial Professor of Law and director of the Center, congratulated the students and their coach.

"Rick Levin has done a tremendous job of teaching our students how to be effective and ethical trial lawyers," Lubet said. "He emphasizes a deep understanding of the trial process itself, which equips our students to handle cases in real life, far beyond the competition."

Levin praised his students for the hard work and dedication.

"I am always amazed at the effort and energy the students devote to the trials," Levin said. "Stacy was singled out by Justice McBride for her exceptional cross examination, and Mike's closing argument was one of the best I've ever seen. They are awesome."

"For six weeks every semester, we spend twenty hours every weekend holed up in a house in the suburbs bickering with one another about fake case files as though the fate of the world depended on the outcome of our discussions," Maione said of the experience. "Being on trial team is, at times, exhausting, exasperating, and even humiliating. It is also completely worth it, not only for days like today when you win, but for the relationships that are—and can only be—forged by mutual trauma."

This marks the seventh consecutive year a Bartlit Center team has reached the regional finals. ■

## EAC Pushes for Cleanup in Low-Income Northwestern Indiana Communities

The Environmental Advocacy Center has formed a coalition of attorneys—experts across housing, health, and the environment—to advocate for a low-income, community of color in East Chicago, Indiana that has been exposed to extremely high levels of lead and arsenic. This hazardous waste site, which was listed for cleanup under the National Priorities List in 2009 under the federal Comprehensive Environmental Response Compensation and Liability Act, includes residences which were built on and next to soil contaminated by

lead and arsenic. For decades, families have lived on this contaminated site without complete knowledge or understanding of the extent of their risk. On behalf of residents, EAC is advocating for a cleanup that provides maximize health and environmental protections. EAC's partners include the Sargent Shriver National Center on Poverty Law, the Loyola Law School Health Justice Project, the University of Chicago Abrams Environmental Law Clinic, and the law firm Goldberg Kohn, a pro bono partner. ■

## Environmental Advocacy Center

The Environmental Advocacy Clinic (EAC) has continued to focus its work in critical areas of environmental justice for Chicago area residents. The EAC is committed to working to end disparate treatment of low-income communities and communities of color in terms both of protection from environmental hazards and fair access to environmental benefits.

On the environmental protection front, the EAC scored a significant victory on behalf of the Southeast Side Coalition to Ban Petcoke—a coalition of local community residents and non-profit organizations of the Southeast side of Chicago. Along with partner not-for-profit organizations, the EAC successfully advocated for a Chicago ban on new storage facilities for petroleum coke (petcoke) and removal of all existing outdoor petcoke storage piles as of June 9, 2016.

Petcoke is a black, oily dust that is a byproduct of the oil refining process. When the EAC first got involved in this fight, companies were storing uncovered piles of petcoke as high as 60 feet in South Side residential neighborhoods, even directly across the street from peoples' homes.

The most immediate concern about petcoke is the danger to residents' health. Particles from petcoke dust pass through peoples' throats and noses and into their lungs, causing acute and chronic respiratory and cardiovascular illness or distress. Indeed, a recent study from Johns Hopkins raises serious concerns about even a one-time, acute exposure to particulate matter of the size of petcoke dust, because it can precipitate a heart attack or an asthma event.

Of course, the petcoke problem also caused serious problems for residents' property and their ability even to enjoy living in and using the outside of their homes. When the wind blows, the petcoke piles blow dust directly onto nearby properties, often covering them in the oily black dust. Coalition members describe picnics in their yards ruined by blowing petcoke.

The Environmental Advocacy Clinic lawyers and students began working with the Southeast Side Coalition more than two years ago to ensure protection for area residents from the piled up petcoke. Clinic students, working under the guidance of Montgomery Foundation Legal Fellow Debbie Chizewer, advocated tirelessly at all levels of government and employed a variety of strategies to push for action: students participated in meetings with the City, and drafted comments regarding the Chicago Department of Public Health's related rulemakings. Students also participated alongside community members in press conferences and protests, drafted press releases.

In response to the public attention and pressure brought by EAC and the Southeast Side Coalition to Ban Petcoke in coordination with other regional and national environmental organizations, the City Council passed an ordinance preventing new petcoke operations in Chicago and requiring all petcoke piles to be enclosed or removed by June 9, 2016. The Chicago Department of Public Health

also put in place measures requiring that the dust be prevented from blowing onto neighboring properties.

The EAC and its partners also pushed for state and federal action, which ultimately led to the State of Illinois bringing enforcement actions against multiple petcoke facilities. These enforcement actions led to the closure of all but one facility. The United States Environmental Protection Agency required the petcoke facilities to install air monitors onsite to evaluate the particulate matter leaving the sites. And, Senator Dick Durbin and Representative Robin Kelly introduced legislation to fund a health study of the area so that we can better understand the health consequences of the petcoke exposure.

While only one facility remains, and it will no longer store petcoke outside, the Coalition remains concerned that its operation as a direct-transfer facility—where petcoke will arrive in rail cars and be transferred through a closed conveyer to open barges—may still lead to the release of petcoke dust. The EAC is continuing to represent the Coalition on these concerns.

The fight against petcoke is part of the larger effort to promote a healthier community for residents of southeast Chicago, who have been overburdened by the harmful, polluting effects of big industry for many decades. We continue to represent the Coalition in these broader efforts.

In terms of bringing environmental benefits to low-income communities, the EAC is very excited to have begun working with Elevate Energy, an award-winning, Illinois-based non-profit that aims to expand opportunities to promote energy efficiency for all—with an emphasis on expanding energy efficiency programs in low-income communities. Energy Efficiency programs significantly reduce energy costs—and help protect the environment—but low-income communities often don't have the opportunity to benefit from them. For example, rebates for purchases of "Energy Star" appliances require people to purchase expensive new appliances to get the benefit. **Elevate Energy** works to ensure that low-income communities can benefit from other types of energy efficiency programs like installation of more efficient windows.

As part of this new relationship with Elevate Energy, EAC students conducted research on complex energy issues and prepared a comparative analysis of energy efficiency programs in neighboring states to look for ways to provide greater access to energy efficiency programs in Illinois. Students presented comprehensive memoranda delivered oral presentations setting out their analysis and suggesting specific policy proposals. In a second matter, EAC students are doing research and working on policy proposals related to Illinois' implementation of energy efficiency programs in the context of the U.S. EPA's Clean Power Plan, which is aimed at reducing harmful emissions of gases that contribute to global warming.

The EAC is looking forward to continuing this important relationship with Elevate Energy. ■



## Children and Family Justice Center, Chicago Housing Authority to Launch Juvenile Reentry Assistance Program

As part of a national effort to assist young people who have had juvenile justice system involvement, the United States Department of Housing and Urban Development (HUD) and the Department of Justice (DOJ) launched a multi-state, multi-million dollar initiative to create the Juvenile Reentry Assistance Program (JRAP). The program is designed “to address the challenges justice-involved individuals face when trying to find work and a place to call home.”

On Monday, April 25, HUD and DOJ announced that the Children and Family Justice Center (CFJC) at Northwestern Pritzker School of Law will partner with the Chicago Housing Authority (CHA) in the implementation of a program designed to assist system-involved youth in Chicago achieve successful transitions to adulthood.

The program will provide eligible CHA youth with information, legal representation, and social work support to alleviate the collateral consequences associated with a juvenile criminal record.

“The promise that youthful transgressions will not follow young people for life is simply not true,” said Julie Biehl (JD ’86), Clinical Associate Professor of Law and Director of the Children and Family Justice Center, at the press conference announcing the grant.

“Even children who are arrested and not convicted have a juvenile

record. Those records follow them into adulthood and can seriously undermine their efforts to build lives for themselves by limiting their opportunities for school, housing, and jobs.”

JRAP will assist eligible youth with expunging, sealing, and/or correcting juvenile or adult records as permitted by State law; it will also coordinate support services to mitigate collateral consequences. For example, JRAP attorneys will provide counseling regarding legal rights and obligations in searching for employment, reinstating revoked or suspended drivers’ licenses, obtaining readmission to school, and creating or modifying child support orders and other family law matters.

The program was announced at the beginning of National Reentry Week, a new initiative to bring awareness to issues of fairness in the United States criminal justice system.

“Reconnecting young people who’ve paid their debt to society to decent jobs and housing allows them to turn the page and become active, productive members of their communities,” said HUD Secretary Julián Castro. “These grants offer a helping hand to those who deserve a second chance so they have a real opportunity to reach their full potential.” ■

## Center on Wrongful Convictions of Youth Receives Federal Grant

The Center on Wrongful Convictions of Youth (CWCY) was one of five innocence organizations around the country to receive a Wrongful Convictions Review grant from the Bureau of Justice Assistance.

“This grant is a tribute to the work of CWCY co-directors Laura Nirider and Megan Crane,” said Steven Drizin, cofounder of the CWCY.

“Laura and Megan are two of the brightest young stars in the wrongful convictions and juvenile justice worlds and this grant will enable them to continue their groundbreaking legal and reform work.” ■

## CFJC and Illinois Juvenile Justice Commission Issue Report on the Burden of Juvenile Records in Illinois

The Children and Family Justice Center partnered with the Illinois Juvenile Justice Commission on its report “Burdened for Life: The Myth of Juvenile Record Confidentiality and Expungement in Illinois.” The report explains that Illinois laws and policies governing the treatment of court and arrest records of youth “threaten public safety, produce substantial unnecessary costs, and impede young people’s ability to transition to productive adulthood.”

Although state law long has emphasized the principle that a youth’s mistakes should not brand that child for life, Illinois youth have been harmed by the erosion of confidentiality protections and the extreme difficulty and expense of erasing a record through the expungement process, according to the report.

In Illinois, tens of thousands of juveniles are arrested each year, and the largest majority of those arrests by far are for non-violent offenses. Over the last decade, only three of every 1,000 arrests—less than one-third of one percent of juvenile arrests—were expunged in Illinois, the study determined. ■



## Tom and Diane Geraghty Receive UNICEF Chicago Humanitarian Awards

Thomas Geraghty (JD '69) and Diane Geraghty (JD '72) were honored at the UNICEF Chicago Humanitarian Awards Luncheon on Friday, September 23, as “strong, extraordinary leaders who are contributing locally and internationally to the improvement of children’s lives.”

Tom is the Class of 1967 James B. Haddad Professor of Law, director of the Northwestern Pritzker School of Law’s Bluhm Legal Clinic, and associate dean of clinic education. Diane is A. Kathleen Beazley Chair in Children’s Law, professor of law and director of the Civitas ChildLaw Center, and co-director of the Center for

“We have been fortunate enough to witness how UNICEF carries out its critical mission on the ground and the incredible commitment and integrity of those who work on behalf of children across the globe. Our hope is that others will be inspired to support UNICEF and its work—the challenges are real but so is the promise for a brighter future for all children that UNICEF offers.”

—TOM AND DIANE GERAGHTY

Criminal Justice Research, Policy and Practice at Loyola University Chicago School of Law.

The Geraghtys, who met while working on juvenile court cases through the Bluhm Legal Clinic, have worked extensively on the legal rights of children both in the United States and abroad.

During Tom’s tenure as director—a position he has held since 1976—the Clinic has opened the Children and Family Justice Center and the Center on Wrongful Convictions of Youth. He has also been active in various juvenile court reform projects,



including assessing the juvenile division of the Cook County Public Defender’s Office and writing training materials for lawyers who represent children and parents.

Diane, who has taught at Loyola since 1977, developed the Civitas ChildLaw Center, the first law school program to integrate a traditional JD curriculum with a specialized course of study in children’s law. The center is “devoted to teaching, scholarship, and service that forges connections among law, social work, medicine, psychiatry, education, and other disciplines key to child welfare.”

The Geraghtys have served as consultants to UNICEF regarding the creation of juvenile courts in developing countries in Asia and in efforts to improve access to legal services for children in Africa. They have worked on UNICEF projects in Thailand, Vietnam, Ghana, Malawi and Senegal, where they coauthored a report on how to make legal aid child-friendly.

“We are so honored to receive the UNICEF Chicago Humanitarian Award,” the Geraghtys told the Chicago Tribune in a recent interview. “We have been fortunate enough to witness how UNICEF carries out its critical mission on the ground and the incredible commitment and integrity of those who work on behalf of children across the globe. Our hope is that others will be inspired to support UNICEF and its work—the challenges are real but so is the promise for a brighter future for all children that UNICEF offers.” ■

## Thomas Geraghty Honored by Federal Bar Association, Northwestern Law Alumni

Thomas Geraghty (JD '69), Class of 1967 James B. Haddad Professor of Law and director of the Bluhm Legal Clinic, received the Walter J. Cummings Award for distinguished pro bono service from the Federal Bar Association’s Chicago Chapter at its Sixth Annual James B. Moran Membership Appreciation Event earlier this year.

The Chicago Chapter presents this award annually to an attorney for excellence in pro bono service. This year, the recipient was nominated by the U.S. District Court for the Northern District of

Illinois. The award is given in the name of longtime chapter board member and judge of the U.S. Court of Appeals or the Seventh Circuit, the late Walter J. Cummings, and was awarded to Geraghty for his work on the Jason Strong exoneration.

Geraghty was also announced as the winner of the Northwestern Pritzker School of Law 2016 Dawn Clark Netsch Award for Public Service. Dean Rodriguez will present the award at the Law School’s fourth annual Alumni Awards Luncheon on October 21. ■



# Faculty Publications

The following publications were authored by clinical faculty.



**Bridget Arimond**  
CLINICAL PROFESSOR  
OF LAW

“International Human Rights Advocacy by a Law School Clinic: Examples of Projects Undertaken by the

International Human Rights Advocacy Clinic at Northwestern University School of Law.”

*El interés público en América Latina: reflexiones desde educación legal clínica y el trabajo ProBono.* 2015.



**Robert P. Burns**  
WILLIAM W. GURLEY  
PROFESSOR OF LAW

“Social Science and the Ways of the Trial Court” in *Translating the Social World for Law: Linguistic Tools for a*

*New Legal Realism.* Oxford University Press. 2016.

“Is Our Legal Order Just Another Bureaucracy?” *Loyola University Chicago Law Journal.* 2016.

“Popular Sovereignty and the Jury Trial.” *Oñati Socio-Legal Series.* 2016.

**Debbie Chizewer**  
MONTGOMERY FOUNDATION  
ENVIRONMENTAL  
LAW FELLOW

“Living with Water in a Climate-Changed World: Will U.S. Policy Sink or Swim?” *Environmental Law.* 2016.



**Alison R. Flaum**  
CLINICAL ASSOCIATE  
PROFESSOR OF LAW

“Transfer Evaluations in Juvenile Justice” in *Inside Forensic Psychology*, edited by Tiffany R. Mason (with

Antoinette Kavanaugh). 2016.



**Carolyn Frazier**  
CLINICAL ASSISTANT  
PROFESSOR OF LAW

“Burdened for Life: The Myth of Juvenile Record Confidentiality and Expungement in Illinois.”

*Illinois Juvenile Justice Commission.* 2016.



**Thomas Geraghty**  
CLASS OF 1967  
JAMES B. HADDAD  
PROFESSOR OF LAW

*Economic, Social and Cultural Rights in Ethiopia.* 2016.



**Nancy C. Loeb**  
CLINICAL ASSISTANT  
PROFESSOR OF LAW

“Lead Paint is Harming Hundreds of Thousands of Children.” *Huffington Post.* 2016.

“The Sand Mines That Ruin Farmland.” *New York Times.* 2016.

“Toxic Water Isn’t Just in Michigan.” *Time.* 2015.

“EPA Lead Standards Leave Children Exposed to Harm.” *The Hill.* 2015.



**Steven Lubet**  
EDNA B. AND EDNYFED  
H. WILLIAMS MEMORIAL  
PROFESSOR OF LAW

“Court Rightly Embraced a ‘Living’ Constitution in Death Penalty Case.” *The National Law Journal.* 2016.

“Why Isn’t Trump Using the Law to Back Up His Mouth?” *New Republic.* 2016.

“Bernie or Bust? The Lesson of 1968.” *CNN* (with Jim Bendat). 2016.

“What Would Nino Do with Garland’s Nomination?” *National Law Journal* (with Charles Gardner Geyh). 2016.

“Here’s Betting That a Computer Can’t Play Poker.” *Chicago Tribune.* 2016.

“Move Forward on Filling Scalia’s Supreme Court Seat.” *Chicago Tribune.* 2016.

“Ted Cruz Must Recuse Himself on Scalia Replacement,” *CNN.* 2016.

*The “Colored Hero” of Harper’s Ferry: John Anthony Copeland and the War Against Slavery.* Cambridge University Press. 2015.

“Strength in ‘Ober-Liticism.’” *Slate.* 2015.

“Ethnography on Trial.” *The New Republic.* 2015.

“Ben Carson, a Paternity Case and the Death Penalty.” *Chicago Tribune.* 2015.

“It’s Time, U of I; Offer Controversial Scholar Steven Salaita a Job.” *Chicago Tribune.* 2015.



**Uzoamaka Nzelibe**  
CLINICAL ASSOCIATE  
PROFESSOR OF LAW

“Americans are Helping Eight Million People Break this Bad Law.” *Reuters.* 2016.



**Stephen F. Reed**  
CLINICAL PROFESSOR  
OF LAW

“A Closer Look at Distance Learning: The Law and the Entrepreneur MOOC.” *Lewis & Clark Law Review* (with

Esther Barron). 2015.



**David Scheffer**  
MAYER BROWN/ROBERT  
A. HELMAN PROFESSOR  
OF LAW

“Maximizing Opportunities to Deter Further Atrocity Crimes.” *Contemporary Issues Facing the International Criminal Court.* 2016.

“A Review of the Experiences of the Pre-Trial and Appeals Chambers of the International Criminal Court Regarding the Disclosure of Evidence.” *International Criminal Law*, edited by Antonio Cassese, Florian Jeßberger, Robert Cryer and Urmila Dé. 2016.

“The United States and the International Criminal Court.” *International Criminal Law*, edited by Antonio Cassese, Florian Jeßberger, Robert Cryer and Urmila Dé. 2016.

“The United Nations Security Council and International Criminal Justice.” *International Criminal Law*, edited by Antonio Cassese, Florian Jeßberger, Robert Cryer and Urmila Dé. 2016.

“The Complex Crime of Aggression under the Rome Statute.” *Cambridge Companion to*

*International Criminal Law*, edited by William Schabas. 2016.

"Justice Delayed, Not Denied, in Bosnia." *Project Syndicate*. 2016.

"The Corporate Joust with Morality." *Opinio Juris* (with Caroline Kaeb). 2016.

"Is Violence Necessary to Topple a Dictator?" *Foreign Policy* (with Erica Chenoweth). 2016.

"Corporate Liability under the Rome Statute." *Harvard International Law Journal*. 2016.

"Reflections on Contemporary Responses to Atrocity Crimes." *Genocide Studies International*. 2016.

"The Impact of the War Crimes Tribunals on Corporate Liability for Atrocity Crimes under US Law." *Corporate Social Responsibility: Human Rights in the New Global Economy*, edited by Charlotte Walker-Said and John D. Kelly. 2015.

"Reflections on Extraordinary Chambers in the Courts of Cambodia." *Proceedings of the Eighth International Humanitarian Law Dialogs* (with Mark David Agrast & David M. Crane). 2015.

"The Fate of R2P in the Age of Retrenchment." *Globalizational and its Impact on the Future of Human Rights and International Criminal Justice*, edited by M. Cherif Bassiouni. 2015.



**Sarah O'Rourke Schrup**  
HARRY B. REESE  
TEACHING PROFESSOR  
OF LAW

*Advanced Appellate Advocacy*  
(with Carter G. Phillips, Susan E. Provenzano, and Jeffrey T.

Green). Aspen. 2016.



**David M. Shapiro**  
CLINICAL ASSISTANT  
PROFESSOR OF LAW

"To Seek a Newer World:  
Prisoners' Rights at the  
Frontier." *Michigan Law  
Review*. 2016.



**Juliet Sorensen**  
HARRY R. HORROW  
PROFESSOR IN  
INTERNATIONAL LAW

"Corruption in an Era  
of Climate Change: An  
Ever-Closing Circle?"

*Huffington Post*. 2015.

Bluhm Legal Clinic  
Northwestern Pritzker School of Law  
375 East Chicago Avenue  
Chicago, Illinois 60611-3069  
p: 312.503.8576  
f: 312.503.8977  
legalclinic@law.northwestern.edu  
www.law.northwestern.edu/legalclinic

To make a gift to the Bluhm Legal Clinic or one of its centers, please visit [www.law.northwestern.edu/giving](http://www.law.northwestern.edu/giving).

Copyright ©2016. Northwestern Pritzker School of Law.  
All rights reserved.



Northwestern  
University

## Northwestern PRITZKER SCHOOL OF LAW Bluhm Legal Clinic

### NEWS & NOTES Fall 2016

ASSOCIATE DEAN AND DIRECTOR  
Thomas F. Geraghty

ASSISTANT DEAN  
Steven A. Drizin

DIRECTOR, ADMINISTRATION & FINANCE  
Shericka Pringle

APPELLATE ADVOCACY CENTER  
Sarah O'Rourke Schrup, Director

BARTLIT CENTER FOR TRIAL ADVOCACY  
Steven Lubet, Director  
Robert P. Burns

CENTER FOR CRIMINAL DEFENSE  
Jeffrey Urdangen, Director  
Maria E. Hawilo

CENTER FOR EXTERNSHIPS  
Cindy Wilson, Director

CENTER FOR DEATH PENALTY DEFENSE  
Robert C. Owen, Director

CENTER FOR INTERNATIONAL HUMAN RIGHTS  
David J. Scheffer, Director  
Bridget Arimond, Director, LLM Program  
Stephen Sawyer  
Juliet Sorensen

CENTER ON NEGOTIATION AND MEDIATION  
Lynn P. Cohn, Director  
Alyson Carrel  
Daniel Gandert

CENTER ON WRONGFUL CONVICTIONS  
Karen L. Daniel, Director  
Andrea Lewis  
Judy Royal  
Gregory Swygert

CENTER ON WRONGFUL CONVICTIONS OF YOUTH  
Laura Nirider, Co-Director  
Megan Crane, Co-Director

CHILDREN AND FAMILY JUSTICE CENTER  
Julie Biehl, Director  
Alison Flaum, Legal Director  
Carolyn E. Frazier  
Shobha Mahadev  
Marjorie Moss  
Uzoamaka Emeka Nzelibe

CIVIL LITIGATION CENTER  
John S. Elson  
Laurie Mikva

DONALD PRITZKER ENTREPRENEURSHIP LAW CENTER  
Esther Barron, Director  
Stephen Reed  
Darren Green

ENVIRONMENTAL ADVOCACY CENTER  
Nancy Loeb, Director

INVESTOR PROTECTION CENTER  
J. Samuel Tenenbaum, Director

RODERICK AND SOLANGE MACARTHUR  
JUSTICE CENTER  
Locke E. Bowman, Director  
Sheila Bedi  
David M. Shapiro  
Alexa Van Brunt  
Vanessa del Valle

**Northwestern**

**PRITZKER SCHOOL OF LAW**

**Bluhm Legal Clinic**

Bluhm Legal Clinic  
Northwestern University School of Law  
375 East Chicago Avenue  
Chicago, Illinois 60611 USA

Nonprofit Organization  
U.S. Postage  
PAID  
Northwestern University

