



Bluhm Legal Clinic  
Northwestern Law

# news & notes

WINTER 2014



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# FROM THE DIRECTOR

## The Continuing Challenge

I hope that you enjoy reading this most recent edition of News & Notes. I'm very grateful to be associated with Northwestern Law School and with my colleagues at the Bluhm Legal Clinic who are responsible for making possible such a wide array of educational opportunities for our students. Our mission is to engage students in the educational process by involving them in compelling cases and projects that provide them with opportunities for learning, service, and improvement in the systems that affect the interests of our clients. These educational opportunities extend both domestic and abroad. In this issue, we highlight our extensive international work conducted around the world as well as the important case work that our staff and students are involved in close to home.

The representation of children in juvenile and criminal court has long been a core activity of the Clinic. Our first "center" was the Children and Family Justice Center, created more than 20 years ago in response to the need to improve our local juvenile court. Since then, our work on behalf of children has expanded to provide a national and international voice for children's justice. The MacArthur Foundation's recent award to the CFJC (see article within at p. 16) recognizes the CFJC's many outstanding accomplishments over the years. I, together with the talented members of the CFJC faculty, have long been involved in this work and continue to supervise students working on behalf of young clients in juvenile and criminal courts.

How much progress have we made in improving legal and non-legal services for the children we represent? The short answer is not enough.

In several recent cases that our students and social work team have worked on, I have been struck by our lack of ability to positively impact the lives of the children we represent, despite our best efforts. Let me give you a few examples. A 17-year-old girl struggling to support herself and two young children is repeatedly arrested for selling drugs. A young boy, abandoned by his family and suffering from severe mental health problems, is arrested for minor offenses, placed on probation, but is repeatedly taken in to custody for probation violations. Another young man, freed after a trial for allegedly shooting at rival gang members, is arrested again for the same thing and this time is sentenced to the penitentiary. Three young women (separate cases) are charged with armed robbery with a gun, allegedly encouraged by their boyfriends to participate. They face mandatory minimum sentences of 21 years because of harsh gun enhancement laws. A young man reputed to be potentially the best high school basketball player in the state is arrested repeatedly for auto theft.

Bottom line: the work of individual representation of these children, all of whom are profoundly affected by their circumstances, including disproportionate minority impact, poverty, and lack of effective mental health and educational services, is hard, challenging, and sometimes depressing.

Yet I continue to believe that these individual cases provide some of the best opportunities that our Clinic offers for the education and professional growth of our law students. They allow student to relate to and counsel clients who are under the most severe forms of stress. They also provide opportunities for creative advocacy in dealing with opposing counsel and judges and impress upon students the obligation to provide the highest quality legal services to all clients. As importantly, these cases prove the need for resilience in addressing the needs of our individual clients and increase the appreciation for the extremely difficult and challenging work done daily by our judges, public defenders, and prosecutors, who are always under pressure to deal with the next case and, often, the next tragedy. Finally, these cases help the Bluhm Legal Clinic to identify areas of needed systemic reform, such as harsh mandatory minimum sentences, lack of resources to support at risk children in communities, and limited expungement options. These shortcomings almost ensure long-term negative outcomes for youth.

The most significant role that the Bluhm Legal Clinic can play in this important area is to keep up the good work on behalf our individual clients, to continue to train the next generation of skilled and ethical lawyers, and to recognize that the experiences that we provide for our students must be a part of any lawyer's general education. This is hard, stressful, and sometimes unrewarding work that requires extensive client contact, repeated court appearances, and too few sustained "victories." It is the kind of work that the most effective lawyers are known for. We have been very fortunate to receive the extensive support from alumni to train students in our tireless pursuit of justice. Most recently, Neil Bluhm (JD '62), gave an unprecedented \$15 million to the Law School, a portion of which will support clinical legal education. Through this, it is my hope that the students that we train today will find ways to improve on upon our work in the future.



Thomas F. Geraghty  
Associate Dean and Director

# Neil Bluhm Gives \$15 Million to Northwestern Law

## Gift is the Largest in Law School History



Neil G. Bluhm (JD '62)

Neil G. Bluhm (JD '62) has made a gift of \$15 million to Northwestern University School of Law to support public interest and government work through the Loan Repayment Assistance Program and clinical legal education at the Bluhm Legal Clinic. It is the largest charitable gift in the Law School's history.

It is part of a \$25 million leadership gift from Bluhm and the Bluhm Family Charitable Foundation that will also benefit Northwestern University and Northwestern Memorial Hospital.

"I am extremely pleased to support Northwestern University, the Law School, and Northwestern Memorial Hospital with this commitment," said Bluhm. "And I am especially proud to assist with the important work of the Law School. I am inspired by the vision of Dean Daniel Rodriguez and his goals for the Law School's mission and future."

Bluhm wanted his gift to be allocated in ways that would help Dean Rodriguez accomplish his key objectives. With that in mind, the largest portion of the gift—\$6 million—will be unrestricted. It is anticipated that these funds will be used to fund key initiatives growing out of the currently underway strategic planning process and need-based financial aid. The Law School's Loan Repayment Assistance Program will be the next biggest beneficiary of the gift—\$5 million dollars will be used to help graduates who accept public service and government jobs repay law school loans. The Bluhm Legal Clinic will receive \$3 million to strengthen its endowment and enhance clinical legal education programs; these funds are in addition to the \$7 million Bluhm has already given to support the legal clinic. The remaining \$1 million will be used over a ten-year period to build ongoing, sustainable support from Law School alumni through annual gifts to the Law School Fund.

"With major changes in legal practice forcing law schools to evolve to meet the demands of the market, we live in an unprecedented time of both challenge and opportunity," said Dean Daniel B. Rodriguez. "The old models don't work as well as they once did; we need to build new models. Northwestern Law School is able to do this because of the extraordinary support of alumni like Neil Bluhm. This is the largest gift in the Law School's history, but that is not why it is important. What is important about Neil Bluhm's gift is the future it makes possible."

Following his graduation from Northwestern Law, Bluhm launched a remarkable and distinguished career. He began at the Chicago law firm of Mayer, Brown, and Platt, where he quickly became partner before co-founding the JMB Realty Corporation in 1970. JMB promptly became a major commercial real estate investment firm that owns, develops, and manages a variety of large real estate projects throughout North America, including malls, hotels, planned communities and office complexes.

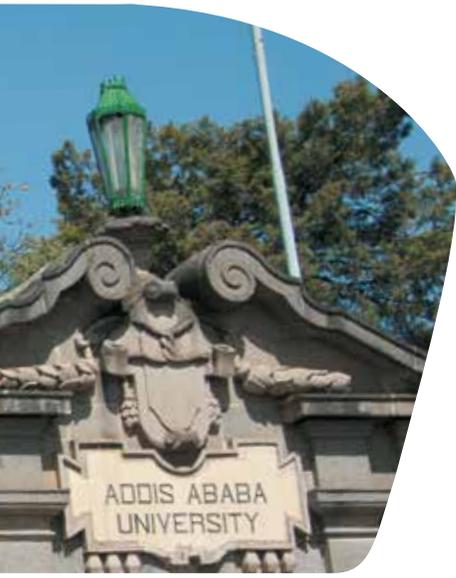
As managing principal, Bluhm also oversees the strategic direction of Walton Street Capital LLC, a private equity real estate investment firm that he co-founded in 1995 with former senior executives of JMB Realty. The firm focuses on investing the principals' own capital in real estate, in partnership with institutional and private investors. Since its founding, affiliates of Walton Street Capital have received total equity commitments in excess of \$7 billion.

Bluhm has also developed casinos in Pittsburgh, Philadelphia, Mississippi and Canada, as well as The Rivers Casino in Des Plaines, Illinois, which opened in July 2011. Over the past forty years, Bluhm has overseen the acquisition and development of approximately \$50 billion in real estate and casino projects.

Additionally, Bluhm has a distinguished record of service and philanthropy to the University and to the Law School. In 1999, he and several members of his family gave a gift of \$7 million that named the Bluhm Legal Clinic. He serves on the Board of Trustees' Investment Committee, and previously he served on the Law School's Law Board, the Law School Visiting Committee, the Law Alumni Board, the Law Development Board, and the Law Campaign Steering Committee (during Campaign Northwestern). In 2009, he received Northwestern's Alumni Medal, the highest honor an alumnus can receive from the University. ■



# ETHIOPIA



# NORTHWESTERN LAW



## An Enduring Collaboration

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Working to improve Ethiopia's legal education system since the 1960s, Northwestern Law faculty focus on providing Ethiopian lawyers with clinical legal training that can respond to the realities of the nation's justice system.

By Tracy Marks

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While true, the characterization of Ethiopia as a place deeply scarred by generations of war and civil unrest and ravaged by unimaginable poverty does not do the country justice.

Ethiopia is also a place where, remarkably, hope thrives; people demonstrate extraordinary resilience and faith and are deeply committed to the betterment of their country. Northwestern Law faculty know this firsthand.

Since the 1960s Northwestern Law has been a trusted partner in improving Ethiopia's legal education system. Today Bluhm Legal Clinic director Thomas F. Geraghty (JD '69) and a team of Northwestern Law faculty work to provide legal training to Ethiopian lawyers, with a focus on making it more responsive to the realities of the Ethiopian justice system.

Geraghty first visited the country in 1969, while a student at Northwestern Law. A few years before then Ethiopia had begun implementing new law codes based on French and Swiss models. Geraghty worked as a student assistant to Professor Jack Beckstrom on an assessment of how the lower courts were receiving the codes. Geraghty's resulting article, "People, Practice, Attitudes and Problems in the Lower Courts of Ethiopia," was published in the *Journal of Ethiopian Law* in 1970.

"As a law student, I was intrigued by the operation of the court system—how the customary laws worked together with the newer laws," recalled Geraghty. "And on a personal level, I formed lasting friendships with my colleagues at the Addis Ababa University School of Law."

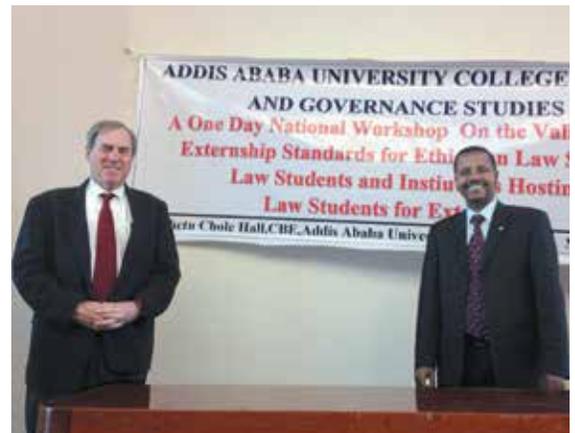
### NORTHWESTERN HELPS BUILD LEGAL EDUCATION INFRASTRUCTURE

Political revolution swept Ethiopia in 1973, and for many years the new regime's brutality and strong ties to communism made it nearly impossible for the United States to work there. When the Derg regime was overthrown in the early 1990s, Geraghty sought a way to return to Ethiopia to continue to work to improve the Addis Ababa University law program and thus legal education for a new wave of Ethiopian lawyers. He became involved with the American Bar Association's international programs and received funding for development of a clinical law program at the Addis Ababa University School of Law. "I was overjoyed to reconnect with friends from the 1960s and to resume my efforts to support Ethiopia's legal infrastructure," he says. "In addition to my work there, this program also enabled

us to invite Ethiopian law students, faculty, and lawyers to the United States to conduct research."

Human rights leaders attest that providing legal education is an effective strategy to promote the rule of law in countries building a system of justice. In 2007 the ABA launched a program to establish sustainable institutions and societies that foster justice, promote economic opportunity, and pursue respect for human dignity. The ABA's Rule

Thomas F. Geraghty (JD '69) with Mandefrot Belay, then director of ABA ROLI Ethiopia, at a November 2012 conference on externships in Addis Ababa.





*Professors Seife Ayalew (left) and Tsigie Alemayehu, both from Addis Ababa University, observe a class in the Bluhm Legal Clinic during a visit in April.*

of Law Initiative today works in 40 countries, and volunteers have contributed more than \$200 million in pro bono legal assistance.

ABA ROLI recognized that although Ethiopia has many highly qualified judges, lawyers, and professors, many in the legal profession lacked sufficient training. In response, USAID in 2008 provided funding for a three-year ABA ROLI project to train law students, faculty, lawyers, and judges on issues such as the separation of powers and the importance of judicial independence. USAID also funded an assessment of legal education in Ethiopia. The overall goal was to support judicial and legal education reform and potentially provide election training.

Geraghty's extensive experience navigating Ethiopia's legal system and his network of established relationships made him the ideal lead consultant to ABA ROLI Ethiopia. "Legal education had dramatically expanded since the 1960s when I first visited," said Geraghty. "Back then, AAU had the only law school in the country. By 2008 there were 20 schools, with some 2,500 law students! I was asked to conduct an assessment of legal education in Ethiopia for the purpose of identifying strengths and challenges. This assessment was conducted over a two-year period from 2008 to 2010."

Fikremarkos Merse, former dean of Addis Ababa University School of Law, envisioned that the ABA ROLI program would help in two critical areas, both related to capacity

building: to fill the gap in teaching specialized courses and in developing teaching materials. "We were using materials developed in the 1960s," he explains. "There was an absolute need to update these teaching materials as well as to develop new ones in light of new realities and developments."

Geraghty visited Ethiopia twice in 2012 to assess its law externship program, which requires law students to spend three months at the end of their five-year programs working with courts, government agencies, and public service organizations. "The externship program here is a progressive and important aspect of legal education, but opportunity exists to provide student supports and coordination that would make externships more effective," said Geraghty. Students are left on their own to find externship placements, and many go to the capital, Addis Ababa, where there are more employment opportunities. So, courts and government agencies in Addis Ababa are flooded with law students and often are not able to provide relevant experiences for them.

Another challenge is pay. Many students cannot afford to live away from home while they pursue their externships, so they must either travel great distances or try to find work near their hometowns. A key recommendation of the assessment of the externship program is that law schools work more closely with receiving agencies so that the agencies are better informed about the

educational objectives of the externship program and can be better prepared to help meet them. Toward this goal, Geraghty met with Ethiopian Supreme Court and federal court judges, law school deans, and others and prepared a handbook for law school externship programs.

## EXCHANGE OF PROFESSORS

In spring 2012, as part of the effort to support legal education in Ethiopia, Northwestern sent Stephen Sawyer, clinical associate professor of law, senior counsel for the Center for International Human Rights, and director of curricular projects, and Joshua Kleinfeld, assistant professor of law, to Addis Ababa to teach intensive two- to three-week courses to human rights lawyers.

"This innovative program offered me an opportunity to guide young people—aspiring lawyers and lawyers alike—with training so they may become well versed on the rule of law," said Sawyer. "I was struck by the incredible dedication of the students. Despite sparse facilities, equipment, and technology, they are steadfast in their commitment to learning. I feel so proud to know this program was of value to them."

Kleinfeld, who earned his PhD in Germany and has worked abroad extensively, was "fascinated by an opportunity to provide meaningful and impactful public service and drawn in by Tom Geraghty's enthusiasm." He described students as "astounded

by examples of how the rule of law works in other countries and by discovering the fundamentals of self-determination and self-governance.”

Both Sawyer and Kleinfeld agree that Ethiopia is poised for this kind of legal instruction; the surge in law students and law schools, combined with a yearning for new ideas, makes it an ideal place and time for faculty to become involved. “I doubt there is another place in the world where being an emissary of the rule of law and democracy could be more significant,” said Kleinfeld.

In addition to sending Northwestern Law experts to Ethiopia, the Bluhm Legal Clinic hosted three Ethiopian law professors in Chicago last fall: Tshai Wada from Addis Ababa University; Professor Fikremarkos; and Tiglu Melese Olongo, a young clinician from Haramaya University (near the Ethiopia-Somalia border). These visits were intended to provide Ethiopian colleagues with opportunities to conduct research and strengthen the relationship between Northwestern and law faculty and schools in Ethiopia.

“Clinical legal education is necessary to bridge the gap between theory and practice,”

said Professor Tiglu.\* “Most Ethiopian lawyers, even senior lawyers, have little understanding of this. My visit—observing clinical classes, learning about juvenile court, and more—helped me to know that clinical education is a multidisciplinary and multipurpose education that can develop the human resources and idealism needed to strengthen the legal system... to contribute to national development and social change in a constructive manner.”

What most impressed Professor Tiglu during his visit were “student advocacy and the service the clinic is providing to the needy. I also appreciated the work of the judges and public defenders who are working toward justice and not only to win.”

Professor Tiglu looks forward to more training that will enable him to teach his students and to train staff members. Visits by three more Ethiopians this spring—funded in part by a gift from Northwestern alumni Russ (JD ’61) and Peg (SESP ’61) Matthias—will help in planning future training sessions for Ethiopian clinical teachers. In May, Tom Geraghty, Lynn Cohn (JD ’87), and Diane Geraghty (JD ’72) traveled to Ethiopia

to train clinical teachers in Addis Ababa, accompanied by two teaching assistants—Northwestern students who have helped to develop teaching materials.

## SUCCESSES AND PLANS FOR THE FUTURE

Northwestern Law Dean Daniel Rodriguez continues to be supportive of faculty and student work in Ethiopia.

“Over the course of decades,” said Rodriguez, “Northwestern Law faculty and students have, through programs like the Center for International Human Rights and projects such as the ABA ROLI program in Ethiopia, quietly made a tremendous difference in countries where the rule of law is still emerging.”

Professor Fikremarkos believes his university has significantly benefited from “Northwestern’s solid experience, especially in clinical legal education.”

Mandefrot Belay, the former director of ABA ROLI in Ethiopia, noted the program’s accomplishments: “We have conducted a comprehensive assessment of the state of legal education in Ethiopia, which has shown critical gaps. We’ve prepared and published six

## STUDENT ORGANIZATION COLLECTS LAW BOOKS FOR AFRICA



*In February Dire Dawa University School of Law received a shipment of books collected by the African Legal Library Project.*

Inspired by the work of Northwestern Law faculty in Ethiopia, the student organization African Legal Library Project was formed to collect and send law textbooks to Africa.

Charlie DeVore (JD ’11), then one of Tom Geraghty’s students, came up with the idea in 2009 after Geraghty mentioned that a law school in Ethiopia had asked him for help with resources—specifically, legal books. DeVore and classmates Richard Benjamin (JD ’11), Alex Dominguez (JD ’11), Dan McElroy (JD ’11), and Charles Nicholls (JD ’11) set up a book collection effort and raised money to transport a large shipment of used American casebooks and supplemental materials to Bahir Dar University Law School.

“Law being inherently text based, I could not fathom going through law school without the benefit of high-quality written texts,” said DeVore. “There was a clear need for legal texts in Ethiopian law schools and an obvious surplus in American law schools. This seemed like a logistics problem waiting to be solved.

new textbooks in core areas of the national legal curriculum that were distributed and now are in use by universities across the country. We organized and sponsored the first-ever national arbitration moot competition between all law schools in the country, and, with visiting Northwestern Law professors, delivered advanced-level training courses.”

Still, the important legal reform happening in Ethiopia is far from finished, and the USAID grant that supported the ABA ROLI program ended in 2012. Implementation of the ABA ROLI plan, according to Mandefrot, “calls for working with universities and law schools to help them revise and develop core course curricula, textbooks, and associated teaching materials for Ethiopian law schools.”

“Many law schools still do not have sufficient and experienced faculty, and they lack good library resources, including access to online resources,” said Mandefrot. “More than 85 percent of faculty members are young and lack experience and advanced training. Clinical legal education is still new, and well-trained clinical staff to teach courses and prepare and supervise students are needed.”

Fiona McKinnon (LLM IHR '13), a law student working with Geraghty on clinical legal education in Ethiopia, echoed Mandefrot: “I’ve been visiting Ethiopia since 2005, and it’s amazing to see the changes. But when we look at clinical legal education, the oldest law clinic is just six years old.

strife have created obstacles to legal training and higher education. His team is dedicated to providing support and serving as a resource, with Ethiopians driving the process.

“Because legal education has expanded so rapidly in Ethiopia, there is a tremendous need for first-rate instruction. Establishing a

I doubt there is another place in the world where being an emissary of the rule of law and democracy could be more significant.” —JOSHUA KLEINFELD

There aren’t professors with clinical training, and there is a lot of opportunity. With more training, more lawyers would be able to competently provide services to more and more people who need them.”

Geraghty receives countless requests for information and training from law schools around Ethiopia and is working diligently to meaningfully respond. Perhaps better than any law professional outside Ethiopia, Geraghty understands that poverty and years of political

new national law curriculum requires more practical legal education through clinical courses,” he explained. “Of course, there are logistical, financial, time, and comfort constraints to this type of work, but I dearly hope others on our faculty will become interested in serving Ethiopian citizens and promoting the rule of law in this way.” ■

*\*Note on names: Ethiopians are customarily referred to by first name alone or their honorific title and first name.*

Once we saw that it was doable, it only made sense to try to install the project as an ongoing student organization at the Law School.”

In its first year ALLP set out to collect 2,000 legal textbooks for Bahir Dar University Law School, to raise \$5,000 to cover the costs of organizing and shipping the books, and to plan with the school to make the texts readily available for students, professors, and local practitioners. The group met these goals, collecting textbook contributions from the Northwestern Law community and Thomson Reuters, holding on-campus fundraisers, and garnering support from Northwestern professors and students as well as from organizations such as Books for Africa and Ethiopia Reads.

In July 2011 the first shipment of 1,500 legal textbooks made it from Chicago to Bahir Dar. In February of this year a second donation of 1,600 law reference books, valued at around \$40,000, went to Dire Dawa (Ethiopia) University School of Law, which was founded in 2009 and whose 250-some students lacked legal books.

ALLP established a partnership with Boeing to transport the books from Seattle to Dire Dawa, so the group had to raise funds for only the domestic shipping.

One of the law students involved in the effort is Fitsum Tilahun (JD '12), who was born and raised in Ethiopia. “For me there is nothing more fulfilling and satisfying than to be able to contribute, albeit a little, to help so many students in need,” he said. “I was fortunate enough to have access to great education and resources at Northwestern Law—a great institution that has enabled me to give back to my people in Ethiopia.”

There are hopes that ALLP can expand its operations to the whole African continent in the next few years. “The goals get bigger every year,” said president Andrea Ryken (JD '14). “We hope to continue to build on our recent successes to meet our overarching goal of supporting multiple African law schools in need of legal materials to shape effective advocates.” ■



Inside the court room at the Extraordinary Chambers in the Courts of Cambodia at the Duch verdict on July 26, 2010.

# JUSTICE *for*



Between 1975 and 1979 the Khmer Rouge killed more than 1.7 million Cambodians. Invading Vietnamese troops ended the mass-atrocity crimes in 1979, but Khmer Rouge leader Pol Pot continued to operate along the Cambodia/Thailand border until he was detained by his own people in 1997. He died in 1998 without facing a court of law for his crimes. Ambassador David Scheffer, now a Northwestern Law professor, was instrumental in creating the Extraordinary Chambers in the Courts of Cambodia. Through this national court, Scheffer and his students work year-round to bring justice to the people of Cambodia.

By Tracy Marks

# CAMBODIA



## ECCC AT A GLANCE

- Seventeen judges presiding in three chambers: the Pre-Trial Chamber, Trial Chamber, and Supreme Court Chamber.
- In each chamber the majority of judges are Cambodian.
- Two co-investigating judges: one Cambodian and one UN-nominated foreigner.
- Two co-prosecutors: one Cambodian and one UN-nominated foreigner.
- Any decision or judgment by one of the chambers requires the supermajority (majority plus one) vote of the judges.

As a US State Department official between 1993 and 2001, David Scheffer helped establish the International Criminal Tribunals for the former Yugoslavia and Rwanda, the Special Court for Sierra Leone, and the permanent International Criminal Court at The Hague. He had just become the United States' first war crimes ambassador when, in 1997, the Cambodian government appealed to the United Nations to establish a court to try those responsible for the Khmer Rouge's atrocities.

Scheffer had worked on Cambodian issues before—in 1979, as an associate at the international law firm Coudert Brothers, where he worked pro bono to clear the legal hurdles involved in shipping desperately needed food aid up the Mekong River to Phnom Penh. He advocated the normalization of relations with Vietnam in the mid-1980s, a position that continued to stoke his interest in the politics of the region. So when the request for assistance came from the Cambodian government, Scheffer was uniquely positioned to negotiate the creation of the Extraordinary Chambers in the Courts of Cambodia (ECCC)—a difficult process that unfolded slowly, and by fits and starts, from 1997 to 2006. Even after he left the State Department at the end of the Clinton Administration, with most of the negotiations completed, Scheffer remained involved with the Cambodia tribunal. He now serves as a special expert on United Nations assistance to the Khmer Rouge trials.



Left: Nuon Chea during the Trial Chamber hearing in Case 002 on December 5, 2011. Right: A group of Buddhist Monks from Preah Sihanouk Raja Buddhist University attended the second day of the preliminary hearings on Nuon Chea's and Ieng Thirith's fitness to stand trial on August 30, 2011.

The ECCC was established to bring to trial the surviving senior leaders of Democratic Kampuchea (Cambodia's name under Pol Pot) and those most responsible for committing atrocity crimes (genocide, crimes against humanity, and war crimes). Since the ECCC began work in 2006, five people have been indicted. Kaing Guek Eav (known as Duch), who ran the Tuol Sleng prison camp in Phnom Penh, was convicted of crimes against humanity and grave breaches of the Geneva Conventions of 1949 and is serving a life sentence in a Cambodian prison. Ieng Thirith, former minister of social affairs and Pol Pot's sister-in-law, was found unfit to stand trial due to dementia. Ieng Sary, former minister of foreign affairs and Ieng Thirith's husband, died in March while his trial was under way. Both the prosecution and the defense have presented their cases and closing arguments are scheduled for October in the trial of Nuon Chea, former deputy secretary of the Communist Party of Kampuchea and second in command under Pol Pot, and Khieu Sampan, head of state in Democratic Kampuchea. A judicial investigation against several more unnamed suspects is ongoing.

"While other courts were established as international criminal tribunals, Cambodia's situation required a different approach," Scheffer said. "Years of negotiations resulted in establishing a national court that was 'internationalized' by a treaty between the United Nations and the government of Cambodia." The ECCC requires participation of Cambodian judges, prosecutors, and administrators who work side by side

## DOCUMENTING THE ECCC'S WORK

The *Cambodia Tribunal Monitor*, an award-winning website, reports on the Extraordinary Chambers in the Courts of Cambodia in Phnom Penh and provides legal analyses for the world community. The *Monitor* observes and documents ECCC proceedings with a daily blog, often written by a Northwestern Law student or recent graduate who is present in the courtroom.

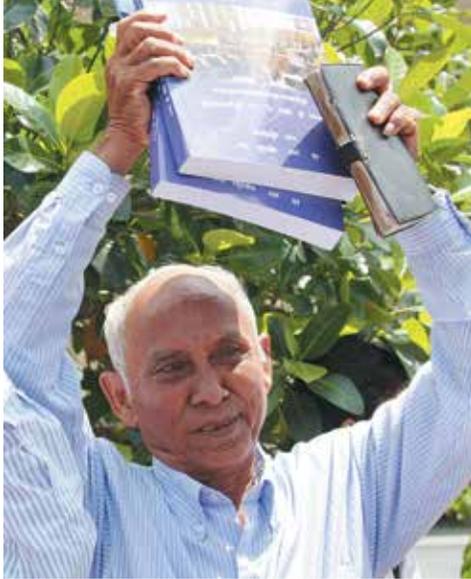
"Students have extraordinary access to this process," said Christine Evans (JD '03, LL.M. IHR '11), until recently the *Monitor* senior editor. "With at least 15,000 visitors per month from around the world, the website has been the main source for people looking for information about the Khmer Rouge trials. In addition to trial blogging, every day the *Monitor* assembles news articles about the tribunal and reports by NGOs and government organizations, and it provides commentary and legal analyses of the proceedings."

Erica Embree (JD-LLM IHR'15) traveled to Phnom Penh during the summer of 2012, where she spent a month writing daily trial blogs for the *Monitor*. "Observing the ECCC enriched my understanding of the practice of law, both the role of law in society and being an advocate," Embree said. "Reporting the proceedings enhanced my ability to take a fair and balanced view. Objectivity is a highly valuable skill for a lawyer."

Evans said she hopes that "historians down the road will be able to come directly to our website to understand what happened under the Khmer Rouge and what transpired in this unique court."

The *Monitor's* funding has been made possible for many years with generous grants from the J. B. and M. K. Pritzker Family Foundation, although that funding ended in September 2013. The *Cambodia Tribunal Monitor* can be found at: [www.cambodiatribunal.org](http://www.cambodiatribunal.org). ■





*One of only a handful of survivors from the secret Khmer Rouge prison S21 where at least 12,273 people were tortured and executed, Chum Mey (top) holds up copies of the Duch verdict on August 12, 2010. The first trial judgment of the Extraordinary Chambers in the Courts of Cambodia, the Duch verdict was made widely accessible to the people in Cambodia, as the ECCC printed 10,000 copies of the verdict (450 pages) and 17,000 copies of the summary (36 pages) and distributed the documents throughout 1,621 communes in Cambodia as well as in libraries, schools, and other public institutions. Kaing Guek Eav, alias Duch, was the first person to stand trial before the ECCC; he was found guilty of crimes against humanity and war crimes on July 26, 2010.*



with a smaller number of international counterparts. One of the co-investigating judges is a Cambodian and the other UN-nominated foreigner; the same is true of the two lead prosecutors. In each of the three chambers, the majority of judges are Cambodian. To ensure due process, a supermajority vote is necessary. For example, if all of the Cambodian judges decide to convict, then the vote of at least one international judge is required. “For the evolution of international criminal law, the ECCC represents a significant collaboration of a national political and legal system with the UN, out of which has been developed a novel, albeit controversial, structure of criminal law and procedure,” said Scheffer. (An unfortunate side effect of this unique structure is that—unlike some UN-created international criminal tribunals that are automatically funded by member countries—the ECCC is voluntarily funded. Every year tens of millions of dollars must be raised to carry on its work.)

## CENTER FOR INTERNATIONAL HUMAN RIGHTS

As the director of the Bluhm Legal Clinic’s Center for International Human Rights (CIHR), David Scheffer leads a group of faculty that provide a range of courses on international human rights, criminal, and humanitarian law, as well as unique clinical experiences that focus on the protection of global human rights and international criminal law, that together form an extraordinary set of interconnected opportunities for Northwestern Law students.

Among the CIHR’s many projects is the JD-LLM in International Human Rights (JD-LLM IHR), a four-year joint degree that provides students with the opportunity to gain a comprehensive foundation in international human rights and criminal law. Northwestern is the only school in the country to offer a degree like this.

“Our joint degree program provides law students with a unique opportunity to undertake in-depth study of the norms and mechanisms of international human rights

law, without shortchanging their JD studies of American law,” said clinical professor of law Bridget Arimond, director of the LLM Program in International Human Rights. “As our graduates seek jobs throughout the international system, the LLM IHR credential will place them on par with top law graduates from the many countries where an advanced degree in law is more commonplace than it is here in the US.”

In addition to classroom work, students in the joint program are required to complete a semester-long externship with an international criminal tribunal, supreme court, or human rights organization. “Upon their return to campus, our joint degree students have, without fail, described the externship experience as a high point of their legal studies,” said Arimond.

Clare Diegel (JD-LLM IHR ’13) spent spring 2013 in Phnom Penh as a legal extern in the Office of the Co-Investigating Judges. One of only two Americans on the

international staff of approximately 12, she was “constantly challenged by complicated legal issues, most of which incorporated elements of both common and civil law systems.” She now has lasting relationships with lawyers across the globe who are on the “cutting edge of international human rights law.” In addition to providing incomparable professional experience, being in Cambodia transformed Diegel personally as well. “Every day, I was blown away by the astounding resolve of the Cambodian people, and I was so proud to be working at a court seeking to bring this country justice.”

Northwestern Law also offers an LLM in International Human Rights for students with American JDs or law degrees from other countries who wish to undertake a comprehensive study of the norms and methods of international human rights law and their implementation by international courts and organizations and in domestic legal systems. The program has

Outreach and information gathering have been essential objectives of the ECCC in partnership with the Documentation Center of Cambodia (DC-Cam). “It is imperative that a new generation of Cambodians understand what happened under Pol Pot,” said Scheffer.

Until a few years ago, no textbooks in secondary schools included information about the atrocities. Students learned about their own history through family members, if at all. DC-Cam is committed to maintaining the world’s most comprehensive databases on Khmer Rouge history, and one of its projects is the publication of new textbooks.

As part of the education process, buses drive all night so villagers can witness courtroom proceedings. More than 200,000

Cambodians have attended—more observers than all of the other modern war crimes tribunals combined. DC-Cam and court officials also meet with villagers to provide updates on the courtroom proceedings and encourage them to share their own stories.

“The justice that is being explored and rendered in these courtrooms, along with the involvement of the Cambodian people, will be the true legacy of the ECCC,” said Scheffer. “Because the trials are taking place in Cambodia instead of in

**“BECAUSE THE TRIALS ARE TAKING PLACE IN CAMBODIA INSTEAD OF IN THE HAGUE, THE ECCC WILL ESTABLISH WITHIN CAMBODIA A PRECEDENT FOR THE DEFEAT OF LEADERSHIP IMPUNITY.”**

—DAVID SCHEFFER

The Hague, the ECCC will establish within Cambodia a precedent for the defeat of leadership impunity. Tribunals such as the ECCC show the world that atrocity crimes no longer will be tolerated and that leaders will be held accountable for their actions under international law.” ■

welcomed students from the United States and more than 30 countries, including Chile, India, Belgium, Lebanon, Yemen, Canada, the United Kingdom, Guinea, Panama, Spain, Eritrea, Mexico, Ghana, Bulgaria, the Philippines, Brazil, Cameroon, Cambodia, Kenya, Uganda, Ethiopia, Italy, Tanzania, South Africa, Belarus, France, Turkey, Thailand, Japan, South Korea, Iraq, Indonesia, China, Taiwan and Pakistan.

CIHR faculty members supervise students in clinical work as well. Students under faculty supervision have assisted with the preparation of filings before federal courts, international criminal tribunals, and human rights bodies, and some of them have gone on to work on the International Criminal Tribunals for the Former Yugoslavia and Rwanda, the Extraordinary Chambers in the Courts of Cambodia, and the International Criminal Court.

In 2012, the Center was granted special consultative status with the United

Nations Economic and Social Council. Northwestern is one of only two law schools to be granted such status. Stephen Sawyer, clinical associate professor of law and the Center’s director of curricular projects, led the effort to achieve this status because it affords students the opportunity to gain first-hand insights into the deliberations of that body, as well as the chance to directly contribute to the UN’s important work on international human rights.

“The Center for International Human Rights has a long reach—from The Hague to Phnom Penh, they are bringing the instruments of justice and due process around the world,” said Dean Daniel B. Rodriguez. “Back home in Chicago, our students benefit enormously from the incomparable experiences this work makes available to them.”

Additional information about the Center for International Human Rights can be found at: [www.law.northwestern.edu/legalclinic/humanrights](http://www.law.northwestern.edu/legalclinic/humanrights). ■



*David Scheffer,  
Mayer Brown/  
Robert A. Helman  
Professor of Law  
and Center Director*



*Sandra Babcock,  
Clinical Director,  
Clinical Professor*



*Bridget Arimond,  
LLM Director,  
Clinical Professor*



*Stephen Sawyer,  
Director of  
Curricular Projects,  
Clinical Associate  
Professor*



*Juliet Sorensen,  
Clinical Assistant  
Professor*



*From left: CFJC student Julie Lee (JD '13), client L. R., student Brendan Mooney (JD '14), and Center director Julie Biehl (JD '86) exit Cook County Juvenile Court after winning L. R.'s case.*

## Youth Matters

### Children and Family Justice Center Receives 2013 MacArthur Award for Creative and Effective Institutions

It is for cases like Jamaal H.'s that the Children and Family Justice Center received a 2013 MacArthur Award for Creative and Effective Institutions. Fourteen-year-old Jamaal was wrongly held accountable for another boy's actions. Despite convincing evidence of police misconduct, as well as the fact that he had never been in trouble before, the State sought to transfer his case from juvenile to adult court, where a sentence of up to 60 years was possible.

CFJC attorney and clinical assistant professor Carolyn Frazier (JD '02), Bluhm Legal Clinic director Thomas F. Geraghty (JD '69), and a team of law students and attorneys from DLA Piper conducted an extensive investigation into the facts of the case and the way the police handled it. They persuaded a judge to keep the case in juvenile court, succeeded in keeping Jamaal out of prison, and supported him throughout his probation as he graduated high school and got his first job. Now the CFJC is working to get Jamaal's juvenile record expunged so that he can truly get a fresh start as an adult. "Even to this day, nine years later," Jamaal said, "they are still in my corner."

**"Even to this day, nine years later, they are still in my corner."**

—CFJC CLIENT

Since 1992 the CFJC has fought for and stood with children like Jamaal—children in conflict with the law. The Center works to protect the rights of children and to fix the ways



“Center faculty, through their tireless representation and advocacy, have changed juvenile justice in Illinois.”

—DEAN RODRIGUEZ

in which the systems controlling their lives too often fail them. In addition to direct representation, it trains law students in hands-on, real-world lawyering and advocates for reform of the juvenile justice system.

In February the John D. and Catherine T. MacArthur Foundation recognized the Center’s efforts with a \$750,000 MacArthur Award for Creative and Effective Institutions.

“This award,” said Center director Julie Biehl (JD ’86), “will allow us to expand our advocacy on issues ranging from extreme sentencing of youth to fitness to stand trial to the urgent need to assist incarcerated young people transition back into the community.”

The CFJC was one of only 13 organizations around the world honored by the MacArthur Foundation this year. The award is a recognition of past successes and, most important, an investment that will allow the Center to help more young people.

“This award recognizes the Center’s decades of work to improve the justice system for some of our most vulnerable citizens,” said Dean Daniel Rodriguez. “Center faculty, through their tireless representation and advocacy, have changed juvenile justice in Illinois.”

The Center, said Biehl, has a dual role: “On the one hand, we are teachers who are devoted to helping our students develop the skills they will need as lawyers; we teach and mentor the next generation of lawyers and policy advocates. On the other hand, we are advocates on the front lines of the Illinois juvenile justice system who work on cases where access to justice is compromised.”

The Center looks for opportunities to help improve the law. In recent years its casework-informed policy initiatives have included efforts to end the juvenile death penalty, raise the age of juvenile court jurisdiction, and address the harsh collateral consequences facing youths with system involvement. One initiative involved the creation of a statewide juvenile defender resource center and a network to provide juvenile defense attorneys with opportunities for leadership, education, training, and mentoring. The Center also

informs and empowers young people and their families through its *Know Your Rights* publication and trainings.

The MacArthur Award for Creative and Effective Institutions was established in 1997 to help ensure the long-term sustainability of organizations that have been effective at providing new approaches to persistent problems.

“From New York to New Delhi, these extraordinary organizations are making a real difference in the lives of people and communities,” said MacArthur president Robert Gallucci. “MacArthur recognizes their importance and impact, and we hope our investment will help ensure that they continue to thrive and to increase their reach in the future.” ■ —Kirston Fortune

CFJC members, front row, from left: Adolfo Gomez, Bernardine Dohrn, Stephanie Kollmann (JD ’10), Marjorie Moss, Julie Biehl (JD ’86), Shobha Mahadev (JD ’99), and Carolyn Frazier (JD ’02). Second row: Emmanuel Andre, Mathilda de Dios, Hope Rehak, and Alison Flaum. Third row: Jordan Blumenthal and Uzomaka Nzelibé.





*Access to Health participants from Northwestern Law and Kellogg School of Management with schoolchildren in a batey near Guaymate, Dominican Republic, during a site visit in March 2013.*

## Multidisciplinary and Multicultural Innovative Program Improves Access to Health

This fall a team from the Northwestern Access to Health Project will finalize a plan to improve healthcare for impoverished residents of Guaymate in the Dominican Republic. Last year ATH launched an emergency obstetrical care project to alleviate infant and maternal mortality in Bonga, Ethiopia.

These two projects demonstrate ATH's premise: that access to healthcare is a human right. Founded by Juliet Sorensen, clinical assistant professor of law in the Center for International Human Rights (CIHR), and Carolyn Baer, former deputy director of the Feinberg School of Medicine's Center for Global Health, the program brings together students from the Law School, the Kellogg School of Management, and the Feinberg School of Medicine, and includes expertise from the McCormick School of Engineering, to design health projects in developing countries.

Students taking Sorensen's Health and Human Rights course work in interdisciplinary teams on a public health case study in the developing world, investigating issues such as policy, infrastructure, and access to training and equipment. Each class chooses a case study after consulting

with international and national agencies and organizations such as the Peace Corps, Centers for Disease Control and Prevention, the International Medical Corps, and the UN High Commission for Human Rights, about areas with the greatest potential for impact.

Students draw from research conducted by Northwestern's renowned faculty and ATH partners to develop a healthcare solution that is both appropriate and sustainable for the community identified. During spring break, ATH conducts a site visit, meets with community members and partners, and establishes the foundation for the project. The plan is refined over the spring and summer, launched in the fall, and evaluated after six months and one year.

"What makes this program so rewarding is both the impact on communities in the developing world and on ATH students," said Sorensen. "The interdisciplinary nature makes the program more effective and prepares students for the real world. They are sitting down at the table, working constructively with peers in the business and medical schools. This is vital training that will make them outstanding lawyers."

**“This is the best experience I’ve had at Northwestern. We contributed toward something that will make a difference to an entire community. We met with local stakeholders and a diverse community of people, some of whose voices would not otherwise be heard or reported... and their involvement will help drive the success of this project.”**

—EWURABENA HUTCHFUL (JD ’14)

Samantha Woo (JD ’12) worked on the 2012 emergency obstetrical care project in Ethiopia. She was among four law students who traveled to Bonga to visit the district hospital and talk with health professionals, patients, and community leaders. Based on findings from the visit, an emergency-obstetrics training program was developed for healthcare providers. ATH is currently evaluating its effectiveness.

“In the US, maternal health is primarily a public health issue. But in the developing world, it is a multifaceted problem that calls into question basic human rights like the right to healthcare,” said Woo. “Part of our work was to research Ethiopia’s constitution and legal system to understand obstacles to healthcare and find ways to address them.”

In 2013 in Guaymate, Dominican Republic, ATH students focused their studies on maternal health, HIV/AIDS, family planning, and type 2 diabetes, which is on the rise in the Dominican Republic. Many Haitian immigrants and low-income Dominicans reside in “bateys,” or rural communities of migrant sugarcane workers. They suffer extreme poverty and myriad health issues, including one of the highest HIV/AIDS rates in Latin America. In March Sorensen, ATH colleague Dr. Shannon Galvin of the Center for Global Health, and six students conducted a site visit in Guaymate.

“We assessed the types of interventions that had and had not worked successfully in the past,” said Ewurabena Hutchful (JD ’14), who participated in the site visit. “Batey residents, healthcare workers, local NGOs, youth, and educators identified the need for health education programs and prioritized the need for strengthened outreach to the especially vulnerable Haitian migrant population.”

Some potential solutions included establishing a community garden to help address the nutritional problems exacerbating type 2 diabetes; capitalizing on the popularity of a local baseball team to help disseminate nutritional information; and networking sex workers in separate

communities so they may share HIV/AIDS prevention information and resources. In September, ATH faculty will meet with a community advisory board in Guaymate to finalize the project, which is expected to launch in October.

“Courses and projects like this enable us to effect real, tangible change in the world,” said Dean Daniel B. Rodriguez, “and working together in an interdisciplinary setting is the only way to tackle complicated access to healthcare issues. What’s more, programs such as ATH provide students with invaluable opportunities to build skills, work collaboratively, and improve the lives of people in the developing world. ATH is transforming the role of universities in the 21st century and the resources they bring not only to research and education but to community outreach on a global level.”

“This is the best experience I’ve had at Northwestern,” said Hutchful. “We contributed toward something that will make a difference to an entire community. We met with local stakeholders and a diverse community of people, some of whose voices would not otherwise be heard or reported... and their involvement will help drive the success of this project.” ■

*Children in a one-room schoolhouse in another batey near Guaymate.*



## New Project Aims for Innocent Women’s Liberation

BY ROB WARDEN

Julie Rea’s 10-year-old son, Joel, was stabbed to death shortly before daybreak on October 13, 1997, in their home in Lawrenceville, Illinois. Rea, a PhD student at Indiana University, told police an intruder had committed the crime, but they didn’t believe her. She was convicted and sentenced to 65 years in prison—but was exonerated nine years later, thanks to new evidence indicating that in fact an intruder had committed the crime.

Kristine Bunch’s three-year-old son, Tony, died of carbon monoxide inhalation when fire engulfed their trailer home in Decatur County, Indiana, on June 30, 1995. Within hours investigators jumped to the conclusion that Bunch had set the fire—despite the lack of any discernible motive. She was convicted and sentenced to concurrent prison terms of 60 years for murder and 50 years for arson. Twelve years later she was exonerated as a result of developments in arson science that essentially left

no doubt that the fire had been accidental.

Tabitha Pollock’s three-year-old daughter, Jami Sue, was killed in the early morning hours of October 10, 1995, at their home in Kewanee, Illinois. Although there was no question that the death occurred at the hands of Pollock’s live-in boyfriend, Pollock was charged with first-degree murder and aggravated battery on the theory that she

Pollock’s immediate release. A conviction cannot stand on what someone “should have known”—proof of actual knowledge is required—and, in Pollock’s case, the court found nothing suggesting that she knew her boyfriend endangered her daughter.

Nicole Harris’s four-year-old son, Jaquiri, was strangled to death on May 14, 2005, with an elastic cord from a fitted sheet in

**“Women’s cases are different. Startling similarities arise in wrongful convictions of women—circumstances rarely seen in men’s cases.”**

—KAREN DANIEL

“should have known” the boyfriend posed a danger to her daughter’s life. She was convicted by a jury and sentenced to 36 years in prison. Seven years later the Illinois Supreme Court threw out the conviction outright, barring a retrial and ordering

the bedroom he and his six-year-old brother shared in the family’s apartment on the South Side of Chicago. The older brother, who had seen what happened, said the death occurred accidentally when Jaquiri was playing Spider-Man. However, after 27 hours of unrecorded police interrogation, Harris, a recent college graduate, confessed, whereupon the medical examiner, who initially had ruled the death accidental, reclassified it as a homicide. At Harris’s trial the judge barred the older brother’s exculpatory testimony on the grounds that, because he said he believed in Santa Claus and the Tooth Fairy, he was too young to distinguish between truth and fiction. Harris’s jury found her guilty, and the judge sentenced her to 30 years in prison. She was freed this year, after the US Court of Appeals granted her a new trial—holding that the trial judge had wrongly excluded the brother’s “critical exculpatory evidence.”

The cases of Rea, Bunch, Pollock, and Harris—clients of the Bluhm Legal Clinic’s



*Kristine Bunch is greeted with a hug upon her release from prison in August 2012. (Photo: Jean Lachat)*



Nicole Harris, center, with her cousins following her release from prison in February 2013.  
(Photo: AP Photo/Chicago Sun Times, Brian Jackson)

Center on Wrongful Convictions (CWC) at Northwestern University School of Law—spurred Center attorneys Karen Daniel and Judy Royal (JD '81) to launch the nation's first innocence project devoted to identifying and

exonerating wrongfully convicted women. What's the need for a special project for women?

"The simple answer," said Daniel, "is that women's cases are different. Startling similarities arise in wrongful convictions of women—circumstances rarely seen in men's cases. All four women we have represented, for instance, were single mothers. By all accounts, they loved their children. They had no motives, no psychological issues. But, instead of being able to grieve for their children, they became secondary victims."

The result, of course, is devastating. "The only thing worse than having a loved one murdered," Royal said, "is to have a loved one murdered and then be wrongfully convicted of the crime, and that has happened in all of the women's cases in which the Center on Wrongful Convictions has been involved." As Tabitha Pollock puts it, "I not only lost my daughter, I lost custody of my sons as well. It has meant everything to have Northwestern here with me on my side."

Daniel and Royal note that innocent women sometimes are convicted of crimes that hadn't even occurred—as illustrated by Bunch's convictions for arson and murder in the wake of what in reality was a tragic accidental fire. Another example is the case of Audrey Edmunds, who, though not a CWC client, joined Daniel, Royal, and CWC women clients at Northwestern Law

for the launch of the Women's Project in November 2012.

Edmunds was a Wisconsin stay-at-home mom and daycare provider convicted in 1996 of violently shaking a six-month-old girl in her care, resulting in the child's death. She was exonerated in 2008, thanks to the Wisconsin Innocence Project, which marshaled an impressive body of scientific evidence that had emerged in the intervening years supporting her claim of innocence. Based on the new science, the Wisconsin

**"It has meant everything to have Northwestern here with me on my side."**

—TABITHA POLLOCK

Appellate Court ruled that there had been a shift in mainstream medical opinion as to the causes of the baby's injuries.

Because the evidence used to convict women is often entirely circumstantial—rarely is there DNA, for instance—rectifying their wrongful convictions can be complicated. Daniel and Royal also point out that, in what have proved to be wrongful prosecutions of women, prosecutors have used gender-biased evidence and argument. At Rea's trial, for instance, her former husband was allowed to testify—falsely and

irrelevantly—that she had contemplated aborting her pregnancy 11 years earlier. The prosecutor suggested in his closing argument that Rea had committed the murder to make more time to pursue a modeling career.

In addition to representing imprisoned women with strong innocence claims, the Women's Project will conduct research into gender-specific factors involved in women's wrongful convictions. "We think it's possible that many women respond differently to interrogation than do men," said Daniel. A widely used police manual states that innocent persons generally respond self-righteously

and aggressively to an accusation, but Daniel thinks that many innocent women might not respond that way. "Certainly much of what goes on in criminal law is based on what a 'normal' person would do in a given situation, but these rules don't apply across the board—and may apply even less to women." ■

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*Rob Warden is co-founder and executive director of the Bluhm Legal Clinic's Center on Wrongful Convictions.*

## CASE UPDATES



Ronald Kitchen

### Ronald Kitchen Awarded Multi-Million Dollar Settlement

Bluhm Legal Clinic client Ronald Kitchen was awarded a \$6.15 million settlement as retribution for being tortured by Chicago police into a false confession for murders he did not commit.

The lawsuit, filed in 2010, alleged that he was arrested on a false tip, deprived of food and sleep and repeatedly tortured by former Police Commander John Burge and detective Michael Kill and their associates who beat him with their fists, a nightstick and a telephone, inflicting serious injury to his genitals. Thomas F. Geraghty, Carolyn E. Frazier, and Locke Bowman of the Bluhm Legal Clinic, represented Kitchen with Mark Oates and Angela Vigil of Baker & McKenzie.

Kitchen spent 21 years in prison — 13 of them on death row — for the 1988 murder of two women and three children. Kitchen’s criminal conviction and the criminal conviction of his co-defendant Marvin Reeves were overturned in 2009. The men later received certificates of innocence from the Cook County Courts. ■

### CWCY Secures New Trial for Mentally Disabled Teen

A mentally challenged young man sentenced to 47 years in prison for murder has been granted a new trial after the Center on Wrongful Convictions of Youth advocated on his behalf. Legal work conducted by Bluhm Legal Clinic assistant director Steven Drizin (JD ’86), CWCY staff attorneys, and students prompted a federal court to find that Melvin Newman had been denied his constitutional right to effective assistance of counsel because his private attorney failed to argue that Newman was incompetent to stand trial. Newman is currently free on bond while the clinic argues his retrial.

In 2002, at the age of 17, Newman was convicted of murder in a July 2001 shooting on Chicago’s South Side. Drizin and students Bradley Hall (JD ’05), Emily Sweitzer (JD ’05), Michael Karber (JD’05), and Heather Schuman (JD ’05) began working on the case in fall 2004, gathering evidence to prove that Newman’s trial counsel was ineffective. The team’s investigation found that Newman’s original lawyer, a high-volume criminal defense attorney, failed to notice Newman’s severe mental deficiencies—despite being handed a stack of educational and psychological records documenting his disabilities. Those records indicated that he was mentally disabled, had an IQ of 62 and severe deficits in adaptive behaviors, and could not read or write despite years of special education services. Case files also revealed glaring weaknesses in the State’s case against Newman—no weapon, no apparent motive, and no confession. Several of the eyewitnesses were teenagers who recanted their testimony on the stand, and one has since died.

After losing in the state courts, Drizin filed a petition for a writ

of habeas corpus in federal court in 2008. In 2010, the federal court granted Newman an evidentiary hearing. Drizin then expanded the team to include Malorie Medellin (JD ’11), CWCY staff attorneys Joshua Tepfer and Laura Nirider (JD ’08), and Bluhm Legal Clinic director Thomas F. Geraghty (JD ’69). In November 2012, the federal court granted Newman’s habeas petition, ordering that he either be retried or released within 120 days. In so ordering, the federal court relied heavily on *Brown v. Sternes*, a 2002 Seventh Circuit case in which Geraghty and his students obtained habeas relief for their client based on his attorney’s failure to investigate the extent of his mental illness.

After the Seventh Circuit affirmed the lower court’s decision to grant Melvin a writ of habeas corpus, the State of Illinois announced its intention to retry Newman for the same murder, asking a state-court judge to put Melvin back into Cook County Jail while he awaited retrial. Abigail Parr (JD’14), argued against Newman’s re-incarceration, citing the progress Melvin has made since his release. As a result Newman was granted a recognizance bond, which has allowed him to remain free without posting any money or undergoing any further monitoring.

“This case speaks to the fundamental right to an effective attorney that we are all guaranteed,” said Nirider, now CWCY project codirector. “Unfortunately, the most vulnerable among us are often denied that sacred promise. We are so glad Melvin will finally be able to combat the charges against him with the benefit of an effective attorney who understands his disabilities.” ■

## Cleaning DePue

For more than two years the Bluhm Legal Clinic’s Environmental Advocacy Center (EAC) has represented the north central Illinois village of DePue after a zinc smelter and other operations severely contaminated Lake DePue and most of the town land.

Now, at the urging of the Illinois Environmental Protection Agency (EPA), the Environmental Advocacy Center will focus current efforts on remediation of residential properties and public areas to ensure a fair clean up that protects the health of the village residents. The EPA and the responsible parties, ExxonMobil and CBS/Viacom, are beginning a pilot testing program that is expected to remediate all contaminated residential properties by the end of 2014.

According to EAC director, Nancy Loeb, “DePue is home to several hundred young children who play in yards and in parks and ball fields that have still not been cleaned up. Many residents also eat from vegetables grown in home gardens, so it is important

that aggressively move forward with this clean up.”

DePue’s 1,800 residents pressured the Illinois Environmental Protection Agency, Exxon Mobil, which operated a fertilizer plant leaving behind a waste stack, and CBS/Viacom, which acquired the company that engaged in zinc smelting and other industrial operations in DePue to remove hazardous waste.

Center attorneys and students have met with legislators, drafted memoranda

to the EPA, collaborated with DePue residents and urged greater oversight by the state attorney general to supplement the cleanup effort.

The EAC also collaborated with the undergraduate Northwestern chemistry students to create an interactive map that visually displays the contamination, which is “virtually the entire village,” said Loeb. The interactive map, along with mobilization information can be found at [www.cleanupdepue.org](http://www.cleanupdepue.org). ■

A 750,000-ton zinc slag pile greets visitors when they drive into DePue, Illinois. (Photo courtesy of cleanupdepue.org)



## Christopher Coleman Released from Prison and Granted New Trial

The Illinois Supreme Court ordered a new trial for Center on Wrongful Convictions client Christopher Coleman, who was convicted of armed robbery and sexual assault nearly 20 years ago. On November 26, he was released on bond, pending retrial and thus was able to spend Thanksgiving at home with his family for the first time in 19 years.

Christopher Coleman and Karen Daniel.



A new trial will offer the chance for lawyers and students working on Coleman’s behalf to prove that he didn’t participate in the break-in of a home and sexual assault of a 17-year-old girl, a claim that he has stood by since his conviction in 1995.

Northwestern Law’s team of attorneys and students collected a vast amount of evidence from around the state, including statements from the actual participants in the crime who said that Coleman was not present and was not a participant in the crime. Though an initial post-conviction petition requesting a new trial was rejected by the circuit court and the Illinois Appellate Court, the state Supreme Court decided that the new evidence would probably change the verdict and therefore justifies a new trial.

“I still marvel at the amazing work that my students have put in over the 7 years that the CWC has been involved with Christopher’s case,” said Karen Daniel, co-legal director of the Center on Wrongful Convictions. “They were able to gather so much evidence that really played in integral role in securing a new trial for Christopher.” ■

## Conviction Overturned for Center for Criminal Defense Client

Center for Criminal Defense client Olutosin Oduwole was released from a Jacksonville, Illinois, prison in March after an appeals



*Olutosin Oduwole*

court overturned the aspiring rapper’s conviction and five-year sentence.

A former Southern Illinois University Edwardsville student, Oduwole was convicted in 2011 for attempting to make a terrorist threat. Police had found scribbled verse in his abandoned car that, among other lyrics, threatened a “murderous rampage.” Oduwole

was widely known on campus as a rap artist, and he claimed that the words were an exploratory draft for a rap song and were never meant to be shared or made public.

CCD director Jeff Urdangen tried the case in Edwardsville with local co-counsel Justin Kuehn.

“I found this case to be remarkable for a variety of reasons,” Urdangen said. “One of those was the myopia of Madison County prosecutors, unwilling to concede the obvious—that our client’s words were artistic expression, not a threat to commit violence. I was also astonished that despite our objections, we were forced to proceed to trial with quite the opposite of a jury of my client’s peers. Tosin is a young Nigerian hip-hop aficionado, and the jurors, unfortunately, were all white, mostly rural, and predominately late middle age.”

Urdangen filed an appeal and teamed with other counsel from the Bluhm Legal Clinic, including Appellate Advocacy Center director Sarah Schrup and former student Steven Art (JD ’09), a founding member of the Justice Council of the Center

on Wrongful Convictions and now an attorney with Loevy & Loevy.

“Sarah gave a brilliant oral argument in the appellate court, after which our confidence was quite high,” Urdangen said. “In addition, many of my students worked hard on behalf of this client over the past few years, and Sarah had excellent assistance from students throughout the appeals process as well.”

The Illinois Fifth District Appellate Court overturned the conviction in a unanimous decision.

In May the Illinois Supreme Court declined to review Oduwole’s case, and prosecutors are prohibited from bringing him to trial again.

“Because the appellate court based its opinion on insufficiency of the evidence, Oduwole was in effect acquitted by that court, and that judgment is now final,” Urdangen said. “In the end, the appellate review process worked as it should, producing a thoughtful opinion that found a rational jury could not have returned a guilty verdict on these facts.” ■



*Nicole Harris (right) hugs Alison Flaum, legal director of the Children and Family Justice Center and clinical associate professor of law.*

## Charges Dismissed for Nicole Harris

In June the Bluhm Legal Clinic’s Center on Wrongful Convictions staff attorneys succeeded in having charges dropped for a mother wrongfully convicted of strangling her four-year-old son.

Nicole Harris, who spent nearly eight years in prison, maintained that she was innocent and her son Jaquari Dancy’s death was an accident. Harris said she gave a false confession after being physically and psychologically coerced during more than 27 hours of police interrogation.

Harris was convicted in a Cook County jury trial after the judge excluded the testimony of Jaquari’s older brother, Diante Dancy, who told police that Jaquari accidentally strangled himself in their bedroom with an elastic band from a fitted sheet.

Harris sent a letter to then CWC director Steven A. Drizin (JD ’86) appealing for help. Along with Alison Flaum, then a CWC staff lawyer, and Robert R. Stauffer, a partner at Jenner & Block, Drizin accepted the case, appealing it through the state and federal systems. Ultimately the US Court of Appeals for the Seventh Circuit overturned Harris’s conviction. ■

## Daniel Taylor Exonerated of Murder Charges

In June Center on Wrongful Convictions client Daniel Taylor was cleared of all charges in connection with a 1992 murder for which he spent more than two decades behind bars.

Despite being in police custody at the time of the murder, Taylor, then 17, was among eight young men arrested and charged with the shooting deaths of a man and a woman. He was coerced to falsely confess, though police records backed up Taylor’s claim that he was in jail when the crime occurred. Prosecutors contended that the records were inaccurate, and they presented the testimony of another officer who claimed to have seen Taylor on the street during the relevant time. His case went to trial, and he was found guilty and sentenced to life in prison.

Taylor filed a petition to be retried but was unable to obtain a hearing. The CWC took on the case in 2011. Karen Daniel, clinical professor of law and CWC senior staff attorney, filed a federal petition for a writ of habeas corpus, which was dismissed but reinstated in October 2011 by the US

Court of Appeals for the Seventh Circuit. The Cook County state’s attorney’s office decided to dismiss Taylor’s conviction after

a review that included interviews of new witnesses and an examination of additional documents. ■

*Daniel Taylor celebrates his exoneration at an event in the Bluhm Legal Clinic.*



*Johnnie Lee Savory*



## DNA Testing Granted for Johnnie Lee Savory

After seeking DNA testing for almost 15 years, Center on Wrongful Convictions client Johnnie Lee Savory has been allowed to use modern DNA technology to support his innocence claim in a 1977 double murder case.

Savory, who spent almost 30 years in prison, was convicted at age 14 in the stabbing murders of James Robinson Jr., 14, and Robinson’s sister, Connie Cooper, 19. Savory was released on parole in 2006.

“This means hope for Johnnie,” said Joshua Tepfer, clinical assistant professor of law and project codirector of the Center on Wrongful Convictions of Youth. “He has wanted this and fought for this [DNA testing], and a team of advocates and friends have fought for this since this technology became available.”

Peoria County Circuit Judge Steve Kouri will allow experts at a Dallas laboratory hired by Savory’s attorneys to test a bloodstained knife, finger-nail scrapings, hairs found on the victims’ hands, a light switch plate, blood-stained pants, and swabs taken from Cooper’s body. The parameters of the testing will be established at a hearing. ■

# CLINIC NEWS

## Clinic Launches Advisory Board

A group of alumni, clinical faculty, and administrators assembled at the Law School this spring for the inaugural meeting of the Bluhm Legal Clinic Advisory Board.

Led by cochairs Terri Mascherin (JD '84) and Herold "Mac" Deason (JD '67), the board comprises more than a dozen prominent

The advisory board will help set strategic direction for the Clinic's centers and programs; advocate for the Clinic and the Law School with legal professionals, business and community leaders, and the public; and partner with faculty and staff to raise funds from alumni, friends of the school, corporations, and foundations.

"The Bluhm Legal Clinic is a jewel in the crown of Northwestern Law," said Mascherin, a partner at Jenner & Block. "Our community of alumni has a lot to give not only financially but, even more significantly, in guidance. Alumni can help the Clinic continue to enhance its vibrant teaching programs and continue to lead on issues of great public concern, especially those that pertain to access to justice."

Faculty from several of the Clinic's 14 centers made presentations about their current projects at the May kickoff meeting.

"One of the main goals of that first meeting was to bring us

all up to date on what the Clinic is doing: the work of its centers, its many programs, and the crucial issues the program directors are facing," said Mascherin. "With this information the board can begin thinking about ways to navigate these challenges and find opportunities to help the Clinic continue to do groundbreaking work."

Dean Daniel B. Rodriguez established the advisory board with the help of Bluhm Legal Clinic director and associate dean for clinical education Thomas F. Geraghty (JD '69).

The group will meet again in November. ■



Left: Bluhm Legal Clinic advisory board cochairs Herold "Mac" Deason (JD '67) and Terri Mascherin (JD '84) at the May kickoff meeting. Right: Steven A. Drizin (JD '86), assistant dean of the Bluhm Legal Clinic, informs board members about current projects of the Center on Wrongful Convictions and the Center on Wrongful Convictions of Youth.

alumni who share the Clinic's commitment to training skilled, ethical, and reform-minded professionals.

"Our board members offer a number of important perspectives as practicing attorneys and as Northwestern Law alumni using their degrees in law firms, business, government, and public service," said Deason, who serves as counsel at Bodman in Detroit. "It is our hope that Clinic faculty and administrators can capitalize on the wealth of practice experience on the board to test ideas intended to help the Clinic better prepare students to practice law."

### Bluhm Legal Clinic Advisory Board

Herold "Mac" Deason (JD '67)  
COCHAIR

Terri Mascherin (JD '84)  
COCHAIR

Myles "Mush" Berman (JD '83)  
Michael Bien (JD '80)

Meredith Bluhm-Wolf (JD '85)  
Hon. Ruben Castillo (JD '79)

Graham Grady (JD '83)  
Peter Humphreys (JD '81)

Amy Kaplan (JD '97)  
Ivy Lewis (JD '85)

Christopher Lind (JD '94)  
Hon. Algenon Marbley (JD '79)

Richard Trobman (JD '91)  
Angela Vigil (JD '95)

## Two Bartlit Center Teams Win

Two teams representing Northwestern Law's Bartlit Center for Trial Advocacy won competitions in November 2012.

The team of Allison Freedman (JD '14), John Mack (JD '14), Joy McClellan (JD '14), and Kevin Jakopchek (JD '14) went undefeated in seven trials at the Buffalo-Niagara Mock Trial Competition, finishing first among 32 participating law schools. In addition, Mack was voted best advocate out of 128 competitors.

The team of Andrew Gilbert (JD '13), Ari Kasper (JD '14), Jorge Gamboa (Visiting '13), and Alexandra Brodman (JD '13) took first place in the Midwest regional championship of the ABA Section of Labor and Employment Law's Trial Advocacy Competition. It was the fourth time that Northwestern Law won the Midwest competition.

In the Buffalo-Niagara competition, the team defeated Florida State, Louisiana State, and Campbell in the three preliminary rounds and Texas, Duquesne, Georgia, and St. John's in the single-elimination playoffs. Rick Levin and Adam Riback of the Levin Riback Law Group were team coaches. The annual mock trial competition draws teams from more than 30 law schools across the country to try both sides of a criminal case before experienced judges and trial attorneys.

The team in the ABA Midwest Labor and Employment Law Trial Advocacy Competition went undefeated in four trials, ousting teams from 20 other schools. It was coached by Michael Leonard of Meckler Bulger Tilson Marick & Pearson, Tim Hoppe of McGuire Woods,



Left: Buffalo-Niagara Mock Trial Competition winners (from left): Allison Freedman (JD '14), Joy McClellan (JD '14), coach Rick Levin, Kevin Jakopchek (JD '14), and John Mack (JD '14). Right: Bartlit team members (clockwise from top left) Ari Kasper (JD '14), Andrew Gilbert (JD '13), coach Michael Leonard, Jorge Gamboa (Visiting '13), and Alexandra Brodman (JD '13) took first place in the Midwest regional championship of the ABA Section of Labor and Employment Law's Trial Advocacy Competition.

Marko Duric of Bates Carey Nicolaidis, and solo practitioner Robert Robertson. Northwestern also fielded a second team in the regional championship: Lauren Caisman (JD '13), Mark Eberhard (JD '14), Danny Nordstrom (JD '14), and Majdi Sweis (JD '13).

Bartlit Center Trial Teams are supervised by Steven Lubet, Edna B. and Ednyfed H. Williams Memorial Professor of Law and director of the Bluhm Legal Clinic's Bartlit Center for Trial Advocacy. ■



Northwestern Law's Transactional Lawyering Team (from left): Adam Coulson (JD '14), Angela Oh (JD '13), Rob Cameron (JD '15), Shanique Kerr (JD '13), Justin Clune (JD '15), Rossely Amarante (JD '14), and Felipe Arboleda (LLM/K '13). Not pictured: James Coss (JD '13).

## Transactional Lawyering Team Take Top Honors at Regional Meet

Northwestern Law teams placed first and second at last February's Midwestern Regional Meet of the National Transactional LawMeet.

Fourteen teams were in the competition, which took place at Northwestern this year. Rossely Amarante (JD '14), Felipe Arboleda (LLM/K '13), Rob Cameron (JD '15), Justin Clune (JD '15), James Coss (JD '13), Adam Coulson (JD '14), Shanique Kerr (JD '13), and Angela Oh (JD '13) represented Northwestern Law. Esther Barron (JD '95), clinical associate professor of law and director of the Bluhm Legal Clinic's

Entrepreneurship Law Center, was the coach.

Cameron, Coss, Coulson, and Kerr advanced to the national finals at Drexel University in Philadelphia in March, where they tied for fourth place in their bracket and placed first in the written portion of the competition for their side of the argument based on their draft agreements and mark-ups.

The National Transactional LawMeet is the premier competition for students interested in transactional law. More than 70 schools participated in regional rounds throughout the country, and twelve teams advanced to the National Meet. ■

## Center for International Human Rights Granted Special UN Consultative Status



The Center for International Human Rights was granted special consultative status with the Economic and Social Council of the United Nations in August 2012.

As a result, CIHR faculty and student representatives have the opportunity to participate in events, conferences,

and activities of the UN, including the Secretariat, programs, funds and agencies, ECOSOC and its subsidiary bodies, the General Assembly, the Human Rights Council, and other intergovernmental decision-making bodies. Participation may include attendance at UN organization meetings, oral presentations, and written statements.

Stephen Sawyer, clinical associate professor of law and CIHR director of curricular projects, spearheaded the application process in close coordination with CIHR director David Scheffer and Thomas F. Geraghty (JD '69), director of the Bluhm Legal Clinic and associate dean for clinical education.

“Access to the inner workings of the United Nations is particularly significant

for the opportunity it affords our professors and students to contribute to the vital work of the UN,” Sawyer says. “Direct exposure to the work of the multitude of organizations in the UN will open up doors for our students to expand their knowledge and experience in the field of public international law.”

Part of the Bluhm Legal Clinic, CIHR offers a comprehensive range of classroom courses on the norms and mechanisms of international human rights, criminal, and humanitarian law; provides clinical experiences for students interested in the protection of human rights on a global scale; and engages in research and other projects regarding emerging human rights norms and related issues. ■

## Virtual Learning: A New Take on Negotiation and Mediation

Paul Chadha (JD '02) is a firm believer in the adage that experience is the best teacher. The adjunct faculty member with the Bluhm Legal Clinic's Center on Negotiation and Mediation could teach students the basics of transactional law in a traditional classroom setting, but he much prefers they learn through experiencing the actual process. Thus, he proposed Northwestern Law's participation in a new interactive transactional law class to give students firsthand experience in negotiation and mediation.

The class, established in spring 2012, is a collaborative effort with a variety of law schools including American University, Stanford University and the University of Virginia. Students use groundbreaking TelePresence videoconferencing technology to engage in a semester-long transactional problem.

“Students are getting valuable firsthand experience in negotiating a real business transaction, which I know will serve them well once they are practicing professionals,” said Chadha, corporate counsel

for Accenture. “It's one thing for me to teach students the process, but to say, ‘OK, now go apply what you've just learned,’ instantly reinforces the learning experience for the student.”

In the most recent semester Northwestern students represented a multinational pharmaceutical corporation trying to reach a deal with a cooperative in a developing country; the cooperative was represented by Stanford University law students. Negotiations centered on the corporation's need for a raw material found in the developing country, for a new patented drug, and the cooperative's desire for new markets, more employment, and technology advancements.

On Saturdays students could be found in negotiation sessions in a conference room at DLA Piper, which provides state-of-the-art technology that creates the illusion of being face to face at one table. In class meetings during the week, Chadha taught concepts in international business law and advanced negotiation skills; he also answered questions about the drafting

assignments and helped students prepare for each weekend session.

Chris Hopkins (JD '13) found the negotiation sessions to be a “perfect complement” to in-class learning. “It's invaluable to actually take everything we have learned and apply it to live negotiation sessions in ways that I could not have imagined in the classroom,” he said. “With this class the possibilities are endless because it simulates the interpersonal aspect of working with people that you do not know and addressing a variety of legal issues.”

According to Lynn Cohn (JD '87), director of the Center on Mediation and Negotiation, this course is one of several examples of cutting-edge initiatives offered by the Center.

“In addition to our core negotiation and mediation offerings, we are also teaching emotional intelligence, mindfulness, improvisation, and the newest neuroscience research on how our brains react in conflict,” said Cohn. “We want our students to go into their professional lives with a much larger tool box than the typical law graduate.” ■



*J.B. Pritzker (JD '93), the 2013 Distinguished Entrepreneur Award recipient and keynote speaker, addresses students and entrepreneurs in Lincoln Hall at the eighth annual Entrepreneurship Law Center conference.*

## J.B. Pritzker Delivers Keynote at Annual Entrepreneurship Law Conference

More than 250 leaders from the business and legal communities attended the eighth annual Entrepreneurship Law Center (ELC) conference held at the Law School in March. Designed to provide practical, relevant information about various legal issues that entrepreneurs face, the conference included panel discussions on topics such as entity selection, founder agreements, venture and angel financing, intellectual property, and employment issues.

J.B. Pritzker (JD '93) was presented with the 2013 Distinguished Entrepreneur Award and served as the keynote speaker for the conference. A leader in the Chicago entrepreneurship community and the key driver in growing and strengthening the entrepreneurship and technology sectors in the Midwest, Pritzker helped launch the Chicagoland Entrepreneurial Center, the Illinois Venture Capital Association, the Illinois Innovation Accelerator Fund, Excelebrate Labs (now TechStars Chicago), Built in Chicago, and 1871 (the preeminent shared working space in Chicago and a model both nationally and internationally). These programs and organizations have changed the landscape of entrepreneurship, provided important opportunities to start-ups, created new jobs, and enriched the experiences of Northwestern Law students who have become active members of this community. Pritzker also chairs ChicagoNEXT, the mayor's council on technology and innovation.

“There were terrific panels and lots of lively discussions. Attendees heard from leading entrepreneurs, venture capitalists, and attorneys and also had lots of opportunities for networking,” said Esther Barron (JD '95), clinical associate professor of law and director of the Entrepreneurship Law Center. “J.B. Pritzker’s keynote address was not only engaging and entertaining, but incredibly inspiring and left all of us feeling even more passionate about entrepreneurship and the thriving Chicago start-up community.”

The student board of the Entrepreneurship Law Center organized the conference. The ELC, a nonprofit, student-based clinical pro-



*From left: Experts discuss employment law and compensation during a panel presentation on “Building a Team;” students network before a panel event; J.B. Pritzker (JD '93) talks to students following his keynote speech.*

gram affiliated with the Bluhm Legal Clinic, has given law students, working under the supervision of attorneys with many years of corporate and transactional experience, the opportunity to provide legal counsel to hundreds of entrepreneurs and businesses on topics ranging from entity formation to intellectual property protection to contract drafting and licensing. ■

## Entrepreneurship Law Center Launches New Massive Online Course

The Bluhm Legal Clinic's Entrepreneurship Law Center has launched a new massive open online course as part of a university-wide initiative to provide selected Northwestern courses globally through a large-scale digital platform. The new course, *Law and the Entrepreneur*, is scheduled to start in October.

Northwestern MOOCs are a product of a partnership with Coursera, an education company that partners with top universities and organizations throughout the world to make

teach the course. Designed for both entrepreneurs and lawyers who hope to represent them, the course will address the legal and business issues that entrepreneurs face as they build and launch a new venture, including US law on choice of entity; selection of a company name and trademark; protecting intellectual property of the business with patent, trade secret, trademark, and copyright law; structuring agreements among owners; financing a new venture; risk management; and the relationship between attorneys and entrepreneurs.

"Through MOOCs we will increase educational reach and access to information to so many people around the world," said Barron. "It is a great opportunity to showcase the programs, professors, and the academic range of the university as a whole."

Barron and Reed have outlined the course based on legal doctrine as it applies to a case study of two entrepreneurs who are starting a business. Their recorded lectures will engage students through interactive exercises, online conversations, quizzes, and a case study showing how legal issues apply to entrepreneurship. By the end of the course, students will have a better understanding of practical ways to protect a new venture and spot potential issues from a business-legal perspective.

"As we learn more about online learning, I think that this program is one that will put Northwestern ahead of the curve," said Reed. "With the direction that online education is taking, we feel really lucky to be involved with such a progressive project." ■



*ELC director Esther Barron (JD '95) and assistant director Stephen Reed record a video lecture segment for their new MOOC, *Law and the Entrepreneur**

online courses available to anyone for free. The company has a platform that combines mastery-based learning principles with video lectures and interactive content.

The massive online format of the class allows for geographically diverse students to access Chicago-based entrepreneurs and attorneys who work in Chicago's entrepreneurship community. To date tens of thousands of students have registered for the course.

Clinical professors Esther Barron (JD '95) and Stephen Reed will

## Children and Family Justice Center Helps Pass "Raise the Age" Bill

HB 2404, the "Raise the Age" bill that Illinois Governor Pat Quinn (JD '80) signed in July, is based on research conducted and reported by faculty and students in the Bluhm Legal Clinic's Children and Family Justice Center.

HB 2404 raises the age of juvenile court jurisdiction to 17. Illinois had been the only state with a bifurcated system; 17-year-olds charged with a misdemeanor were tried in juvenile court, but 17-year-olds charged with a felony, regardless of its seriousness, were tried in criminal court.

"The resulting expansion of juvenile court jurisdiction will ensure that up to 4,000 17-year-olds typically arrested for felony offenses in our state each year will no longer be processed, prosecuted, and imprisoned as adult criminals," said CFJC director Julie Biehl (JD '86). "The change grants this group of young people access to juvenile court proceedings and services, helping them to avoid permanent adult felony records."

Passed with wide bipartisan support, the new law was built upon the recommendations of the Illinois Juvenile Justice Commission, a federally mandated state advisory group to the governor, the General Assembly, and the Illinois Department of Human Services. Biehl serves as a governor-appointed commissioner. The commission's exhaustive report on the issue was written at the CFJC by clinical fellow Stephanie Kollmann (JD '10) and several Bluhm Legal Clinic students, including Stephen Bychowski (JD '11), Jane Ehinger (JD '13), Julie Lee (JD '13), Dan McElroy (JD '11), and Brendan Mooney (JD '14), assisted by Camille Provencal-Dayle, an intern from Northwestern's Weinberg College of Arts and Science.

"This is a landmark achievement for juvenile rights," said Biehl. "Through their dedicated research, Stephanie Kollmann and our students have made an important contribution to reforming the juvenile justice system."

Illinois joins 38 other states in setting the default age of majority for criminal matters at 18. Juvenile transfer rules, which require or permit trying youth in adult court for very serious felonies, are not affected by the law. ■

# CLINIC FACULTY

## New Faculty

### Alyson Carrel

CLINICAL ASSISTANT PROFESSOR OF LAW  
BA, University of Florida; JD, University of Missouri–Columbia



Alyson Carrel

After serving last year as a visiting clinical assistant professor at Northwestern Law, where students voted her outstanding professor of a small class, Alyson Carrel is joining the Bluhm Legal Clinic residen-

tial faculty as a clinical assistant professor. She will continue to teach and do research within the Clinic’s Center on Negotiation and Mediation.

Carrel’s interest in mediation, negotiation, and conflict resolution was sparked at a workplace conflict management training in 1992. Since then she has trained thousands of people in those skills.

“That training was the first time I was exposed to the very structured process of mediation,” she said. “I was intrigued because it empowered parties, had a long-lasting resolution, and was party centered, driven, and designed.”

A former training director for the Center for Conflict Resolution in Chicago, Carrel was lead trainer for CCR’s 40-hour mediation skills training and designed and taught a variety of customized trainings.

Carrel previously managed a mediation service for child protection/dependency cases in the Eighth Judicial Circuit of Florida. She also helped train and manage University of Florida law students in small-claims mediation, victim-offender mediation, and conflict resolution skills.

Carrel subscribes to the Center on Negotiation and Mediation’s approach to teaching—experiential learning and practical application—and aims to teach students to serve as advocates and counselors in helping clients solve their problems.

“There is a need for experiential learning and practice-ready students,” said Carrel. “With the Center, all of the curriculum is experiential, and theory is directly applied to practice. As a result, when students leave, they have learned to be thoughtful, deliberate, and strategic in their approach and techniques.” ■

### Rob Owen

CLINICAL PROFESSOR OF LAW  
AB, MA, University of Georgia; JD, Harvard University



Rob Owen

One of the nation’s leading death penalty defense lawyers, Rob Owen joins Northwestern Law as a clinical professor. He was a visiting professor here in 2011–12, working with Bluhm Legal Clinic students and staff. In the case of Texas inmate Henry Skinner, they won a rare stay of execution and DNA testing.

Owen will continue his work on death penalty cases and will teach students to prepare briefs, pleadings, and petitions for prisoners sentenced to death in state and federal cases.

“I am really excited about being associated with a university that has such a powerfully strong commitment to social justice,” said Owen.

Since 1989 Owen has defended people facing the death penalty at every level of state and federal court systems. He received the Thurgood Marshall Award in recognition of his work representing death-sentenced prisoners.

Owen began his career as a lawyer with the nonprofit Texas Resource Center in Austin. After six years as a staff attorney there, he worked as an assistant federal public defender in Seattle for three years and then returned to Texas, joining the University of Texas School of Law faculty in 1998 as a clinical professor. There he codirected the Capital Punishment Clinic, taught lecture courses on capital punishment, and led an undergraduate freshman seminar on the death penalty. ■

### Maria Hawilo

VISITING CLINICAL ASSISTANT PROFESSOR OF LAW (2013-14)  
BS, JD, University of Michigan



Maria Hawilo

Maria Hawilo joins Northwestern Law this year as a visiting clinical assistant professor of law in the Bluhm Legal Clinic, where she will be co-teaching the Juvenile Justice Criminal Trials and Appeals Clinic with Thomas Geraghty (JD ’69) and assisting with the supervision of students who have been assigned criminal cases. Previously she served as a supervising attorney for the District of

Columbia’s Public Defender Service, representing clients charged with a variety of offenses including conspiracy, obstruction of justice, and other serious felonies. Hawilo clerked for Hon. David W. McKeague, who currently sits on the US Court of Appeals for the Sixth Circuit. ■

## Faculty Awards

### Geraghty Honored with Lifetime Achievement Award

Thomas F. Geraghty (JD '69) received the 2013 Illinois Association of Criminal Defense Lawyer Lifetime Achievement Award for his professional accomplishments and dedication to justice. The IACDL honored Geraghty at the association's annual dinner on November 15.

Geraghty, associate dean for clinical education and director of the Bluhm Legal Clinic, has been a member of the Northwestern Law community for more than 40 years. He maintains teaching, fundraising, and administrative responsibilities at the Law School and has an active caseload at the Bluhm Legal Clinic, concentrating primarily in criminal and juvenile defense, death penalty appeals, child-centered projects dealing with the representation of children and juvenile court reform.

Geraghty has devoted much of his career to the defense of young people in the juvenile and adult criminal justice system and to supervising students on those cases. With Bernardine Dohrn, he founded the Children and Family Justice Center. The motivation for founding the CFJC grew out of Geraghty's concern about the quality of justice being afforded children in the Cook County Juvenile Court, and with his concern about transfer of youth to adult criminal court for trial. Geraghty was also active in the representation of victims of Area 2 torture, including two victims who were on Illinois' death row when Geraghty was appointed to represent them. Geraghty continues to represent clients in juvenile and in criminal



Thomas F. Geraghty (JD '69)

court. He was instrumental in establishing a project (funded by the Kenneth & Harle Montgomery Foundation) at the Clinic to represent prisoners in bond court in order to identify those who should not be held in jail pending trial. The IACDL is a not-for-profit organization dedicated to defending the rights of all persons as guaranteed by the United States Constitution. Awarded at the organization's anniversary celebration, the Lifetime Achievement Award recognizes one member for their longstanding commitment to justice, which embodies the IACDL's ideals and mission. ■

Cindy Wilson (JD '86)



### Wilson Honored with Public Service Award

Clinical associate professor Cindy Wilson (JD '86) was one of nine attorneys honored by the Chicago Bar Foundation at its annual Pro Bono and Public Service Awards Luncheon. Wilson received the Foundation's 2012 Leonard Jay Schragger Award of Excellence for contributions to public service. The Chicago Bar Foundation is the charitable arm of the Chicago Bar Association.

In addition to serving as director of the Bluhm Legal Clinic's Center for Externships, Wilson teaches a judicial and public interest practicum and Introduction to Trial Advocacy Ethics, and she recently began teaching a new class on medical-legal issues in children's health. She also counsels students interested in public interest law, helps direct public interest programming at the Law School, and serves as the faculty adviser to several student public interest groups.

Before joining the Law School full-time, Wilson had a successful career in private practice and as a public interest lawyer focused on civil rights. She is recognized throughout the country as an influential leader on public interest internships, externships, and careers, and she has inspired countless students to incorporate public interest work into their careers.

The Leonard Jay Schragger Award of Excellence was established to recognize exemplary attorneys in academia who have made significant and lasting contributions to improving access to justice for the less fortunate. ■

## Scheffer Awarded Fall 2013 Berlin Prize Fellowship

David J. Scheffer has received a Berlin Prize from the American Academy in Berlin for the fall 2013 term and will be a member of the academy's 16th class of fellows, which includes writers, journalists, artists, policy experts, and a composer. The prize allows fellows to pursue independent study and engage with their German counterparts and with Berlin's vibrant academic, cultural, and political life.

Scheffer, the Mayer Brown/Robert A. Helman Professor of Law and the director of the Bluhm Legal Clinic's Center for International Human Rights, will use his fellowship to develop an in-depth examination of American policy during the Yugoslav wars, with particular focus on 1993 through 1996. Scheffer served on the Deputies Committee

Scheffer will use his fellowship to develop an in-depth examination of American policy during the Yugoslav wars, with particular focus on 1993 through 1996.

"This is both a terrific honor and an opportunity for David," said Dean Daniel B. Rodriguez. "His excellent scholarship and advocacy have aided greatly in the development of meaningful international justice mechanisms. This fellowship will allow him to expand that important work."

negotiations creating the International Criminal Court. In addition to his writing and teaching, Scheffer also serves as the UN secretary-general's special expert on UN assistance to the Khmer Rouge trials.

A private, nonprofit, nonpartisan center for advanced research in a



David J. Scheffer

of the National Security Council and as senior counsel to UN ambassador Madeleine Albright during the first term of the Clinton administration. Drawing on those experiences, Scheffer will write a comprehensive narrative about US policy as war and atrocities swept over Bosnia-Herzegovina and Croatia and about how UN and NATO initiatives confronted realpolitik in national capitals and among the major players.

Scheffer is the author of *All the Missing Souls: A Personal History of the War Crimes Tribunals*, which chronicles his work in the Clinton administration. During Clinton's second term he served as the first US ambassador at large for war crimes issues and was instrumental in creating war crimes tribunals in the former Yugoslavia, Rwanda, Sierra Leone, and Cambodia. He led the US delegation in

range of academic and cultural fields, the American Academy in Berlin was established in 1994 by Ambassador Richard C. Holbrooke to foster greater understanding and dialogue between the United States and Germany. Each year the academy awards Berlin Prize fellowships to about two dozen emerging or established scholars, writers, and professionals, who are selected by an independent committee. ■

## Faculty Books

### *John Brown's Spy: The Adventurous Life and Tragic Confession of John E. Cook*



Steven Lubet is the Edna B. and Ednyfed H. Williams Memorial Professor of Law and director of the Law School's Fred Bartlit Center for Trial Strategy.

BY STEVEN LUBET Yale University Press, 2012

*John Brown's Spy* tells the nearly unknown story of John E. Cook, the person John Brown trusted most with the details of his plans to capture the Harper's Ferry armory in 1859. Cook was a poet, a marksman, a boaster, a dandy, a fighter, and a womanizer—as well as a spy. In a life of only thirty years, he studied law in Connecticut, fought border ruffians in Kansas, served as an abolitionist mole in Virginia, took white hostages during the Harper's Ferry raid, and almost escaped to freedom. For ten days after the infamous raid, he was the most hunted man in America with a staggering \$1,000 bounty on his head.

Without Cook's participation Brown might never have been able to launch the insurrection that sparked the Civil War. Had Cook remained true to the cause, history would have remembered him as a hero. But when Cook was captured and brought to trial, he came under the influence of Daniel Voorhees—one of the most gifted defense lawyers of his era, and a staunch defender of slavery. Voorhees convinced Cook to provide the prosecutors with a “full confession,” betraying John Brown and implicating prominent abolitionists in New York and Boston. In a now forgotten *tour de force*, Voorhees made an eloquent plea for Cook's life that left the jury in tears, while earning Cook a place in history's tragic pantheon of disgraced turncoats. ■

#### BOOK EXCERPT

### *What Changed When Everything Changed: 9/11 and the Making of National Identity*



Joseph Margulies is a Professor of Practice

BY JOSEPH MARGULIES  
Yale University Press, 2013

“The ideals that make up national identity are not fixed stars in an unchanging sky but immensely powerful symbols that are manipulated and redefined to justify competing social arrangements. They are verbal weapons in a continual struggle to make one or another vision of national life dominant in the public square. National

identity is what we make of it.

And what have we made of it since 9/11? What I found was not at all what I expected. I had imagined at the start of my research that September 11 would have thrown us from our true path and that the long decade since then would have been spent in a struggle to find our way back. The book, as I originally imagined it, would be an attempt to map our present location and point the way home. All of this reflects the conventional wisdom about the American response to crisis—we are supposedly tossed off course, do foolish things because we've lost our bearings, and eventually return to normal, chastened if not much wiser. I call this the myth of deviation and redemption.

Perhaps this myth is an accurate description of the response to other traumatic events in American history, but it certainly does not describe the course of history since September 11. The most striking feature of the immediate reaction to that day is not the extent

to which the nation lost its way but the great extent to which it resolved not to do so. The attacks were instantly cast as a challenge to our shared values, which was taken to mean the values *as they were understood at the time*. This led to a widely shared insistence that those values should remain unchanged. It was not until years later that the impulse to change our national identity took hold.

What's more, the preference for draconian policies was not some spontaneous and uncontrollable reaction to September 11. At the moment of greatest perceived threat, when fear of another attack was at its peak, favorable attitudes toward Muslims and Islam were at record highs throughout all segments of the population, the suggestion that America might torture suspects in custody was mocked and ridiculed in the public square, and many of the counterterrorism policies pursued by the Bush administration were met with widespread opposition.

Today, by contrast, tens of millions of Americans denounce Islam in the most incendiary terms, more than half the population accepts the idea of torture, and counterterrorism policies that President Bush apparently never dreamed of have been codified into law. Again and again, an initial determination within society to *preserve* national identity has been replaced by a determination to *transform* it. Still more surprisingly, these repressive attitudes have taken hold even though the threat from transnational jihad in general and al Qaeda in particular has diminished significantly.

My goal in the book is to explain how all this came to pass.” ■



BLUHM LEGAL CLINIC NEWS & NOTES  
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ASSISTANT DEAN  
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