

News & Notes

Northwestern University School of Law

Fall 2002

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Report of the Clinic Director

Meeting Dean Wigmore's Challenge

While working with Northwestern colleagues on a project that looked into homicides in Chicago during the late 19th and early 20th centuries,

I was reminded that keeping our justice system honest and fair presents a chronic problem and a continuing challenge. In 1929 a commission chaired by Law School Dean John Henry Wigmore examined every aspect of Illinois's criminal justice system. From its work grew the "Illinois Crime Survey," a comprehensive analysis of the work of prosecutors, judges, defense lawyers, police officers, and prison officials. Investigators who combed court files, observed courtroom proceedings, and interviewed lawyers, judges, community leaders, and government officials described a system in crisis.

Following in the tradition of Dean Wigmore, our Center on Wrongful Convictions provided much of the critical information in support of the recently issued Report of the Governor's Commission on Capital Punishment in Illinois. The work of the center had been key to Gov. George Ryan's conclusion that the death penalty was being unfairly administered and his appointment of the commission (see page 8).

Another initiative in the Wigmore tradition centers on one of the clinic's first death penalty clients. Leroy Orange told a judge almost immediately after his arrest in 1984 that he had been tortured by police and forced to make a confession. Prosecutors ignored his complaint, and his trial lawyer did not move to suppress his confession. But recently a series of legal breakthroughs have resulted from Orange's allegation and similar evidence in other cases involving defendants interrogated at Chicago Police Department



Tom Geraghty and Carolyn Frazier ('02) representing Ronald Kitchen before the Illinois Prisoner Review Board, October 21, 2002.

Area 2. Led by clinic graduate Flint Taylor '71, lawyers representing defendants interrogated in Area 2 succeeded in getting a special prosecutor appointed to investigate allegations of abuse during the 1980s. In addition, legal proceedings are determining whether conflict-of-interest rules prohibit



Cathryn Stewart Crawford representing Leroy Orange before the Illinois Prisoner Review Board, October 21, 2002.

the Cook County state's attorney, who once represented the key police detective accused of abuse, from prosecuting defendants who claim that they were tortured at Area 2. These proceedings should reveal how much knowledge prosecutors had of the abuse at Area 2, and the information should result in more meaningful supervision of police investigations by officers of the court.

Yet another of the clinic's death penalty cases, *People v. Titone* (1992), turned on the issue of judicial corruption. The clinic filed a postconviction petition alleging that a criminal court judge extorted a bribe from a corrupt lawyer and returned the money after becoming worried about whether the F.B.I. investigators were on to him. I stood behind my then colleague, Ian Ayres, as he presented the alleged extortionist with the petition containing those allegations. The judge was later convicted in federal court, and Titone was granted a new trial.

In a recent example of leadership in justice reform, the clinic has broken new ground in the jurisprudence controlling the admissibility of children's confessions. In the case of *USA ex. rel. A.M. v. Jerry Butler, et. al* (2002), Judge Rebecca Pallmeyer of the Northern District of Illinois determined that our client A. M., who was 11 years old when charged with the murder of an elderly woman, had made an involuntary confession as a result of a police interrogation. She granted A. M. habeas relief finding (see page 10).

In the most recent victory, the Seventh Circuit granted habeas relief for a mentally ill clinic client, who had been

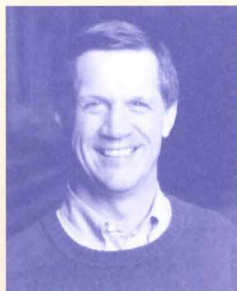
sentenced to 30 years for robbery. The court found that the defendant, a chronic schizophrenic, received ineffective assistance of counsel because the public defenders assigned to his case, *Brown v. Sternes* (2000), never obtained the his mental health records and did not take them into account when preparing for trial or sentencing. In its decision, the court stressed the importance of thorough investigation and of sensitivity to mental health issues. Northwestern faculty and students labored on this case for seven years to obtain relief for the client and bring to the fore the need for individualized attention in the criminal justice system.

We are grateful for the opportunity to do the important work of uncovering and correcting chronic day-to-day problems in our legal system. The spirit of Dean Wigmore lives on at the Bluhm Legal Clinic.

Dean's Message

As Tom Geraghty points out, clinical education at Northwestern dates back to the Law School's beginnings, and we take pride not only in the history but also in the excellence of our clinical program. Year after year *U.S. News & World Report* ranks both our overall clinical program and our dispute resolution program in the nation's top 10 and our trial advocacy program in the top 5. Encompassing an innovative simulation-based curriculum, an extensive externship program, and client representation and legal reform, Northwestern's clinical education program is arguably the most diverse and comprehensive among the country's law schools.

Our simulation-based curriculum, including the Program on Advocacy and Professionalism and the Program on Negotiations and Mediations, teaches students how to negotiate and communicate effectively, solve problems, prepare briefs, examine witnesses, present evidence, and argue cases. After learning these skills, students gain real-world training working as externs in public interest organizations, businesses, judges' chambers, and criminal defense law offices. Finally, they work with clinical faculty and staff to represent clients, as well as challenge the fairness of our legal institutions and propose solutions for reform.



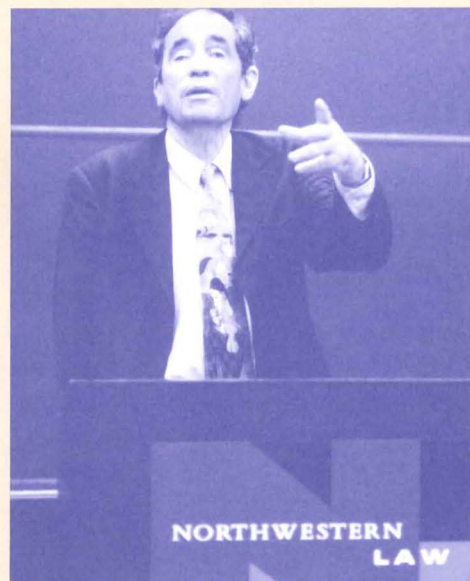
Dean Van Zandt

Complementing our clinical education program is our emphasis on public service. We want all of our graduates to understand the importance of contributing their time and services to the community. In 2002 a group of students developed a plan to inspire a commitment to public service in all our students, regardless of what career paths they may choose. Our new Public Service Strategy broadens the definition of public service beyond just public interest lawyering and pro bono work to include community service and philanthropy, policy development, and government service.

Public service and clinical education are flourishing at Northwestern, and our programs are ever adapting to the needs of our students, the legal community, and the public. The accomplishments described in this newsletter are a tribute to our faculty, students, and staff. I want to thank all who make our programs successful and invite all who commend our programs to consider a contribution to further their mission.

As always, I want to hear from our community. If you have any questions or thoughts about the clinic or our programs, please do not hesitate to get in touch with Tom Geraghty or me.

David E. Van Zandt
Dean and Professor of Law



Hon. Albert (Albie) Louis Sachs delivering a lecture on "The Rights of the Child—A View from the Constitutional Court of South Africa," April 23, 2002

Reports from the Center Directors

Children and Family Justice Center Celebrates 10th Anniversary

The Children and Family Justice Center (CFJC) is observing its 10th anniversary year with a wide range of activities and events that involve not only the criminal justice system but also neighborhoods and schools.

The 10th anniversary celebration kicked off in March 2002 with a speakers series. Our first guest was Christine Knudsen, Save the Children Federation's children and war specialist, on March 11. She was followed by Olga Trujillo and Kathryn Clarke, two experts on domestic violence, who discussed its ramifications for adolescents. Then South African Constitutional Court Justice Albie Sachs, a former freedom fighter, author, and civil rights activist, lectured on children's rights in the new South Africa. The 10th-anniversary speakers series continues this fall with several distinguished participants, including Professors Norval Morris of the University of Chicago and Jean Koh Peters of Yale University Law School.

The CFJC continues to promote community-based solutions for children in crisis. Community Panels for Youth now operates in seven neighborhoods. Center attorneys **Cheryl M. Graves** and **Ora Schub**, who have become certified national trainers on balanced and restorative justice philosophy and practices, trained 20 new volunteers to serve on the panels.

In summer 2002 Graves and Schub worked with the Department of Justice's Office of Juvenile Justice and Delinquency Prevention to train volunteers and professionals on how to use Circles, a restorative justice model based on

Native American and African American principles. Circles is currently deployed in other cities as well as Chicago to provide sentencing alternatives and support networks for youth released from prison.

The CFJC continued to target exclusionary school disciplinary practices, helping organize a citywide task force of attorneys, educators, and children's advocates to ensure



Bernardine Dohrn, Director

due process and fairness when the Chicago Public Schools suspend and expel students for sometimes minor violations under the "zero tolerance" policy. Guided by center attorney **Angela M. Coin**, the Children's Law Pro Bono Project involved an increasing number of volunteer attorneys from private law firms, including Baker & McKenzie,

Latham & Watkins, Lord Bissell & Brook, Sidley Austin Brown & Wood, Piper Rudnick, and Winston & Strawn. Most notably, volunteer attorneys have successfully advocated for children in pretrial motions and delinquency trials on issues related to the suppression of statements, arrests, and seizures in violation of children's rights under the Fourth Amendment, and sentencing and issues related to identification testimony by unreliable eyewitnesses.

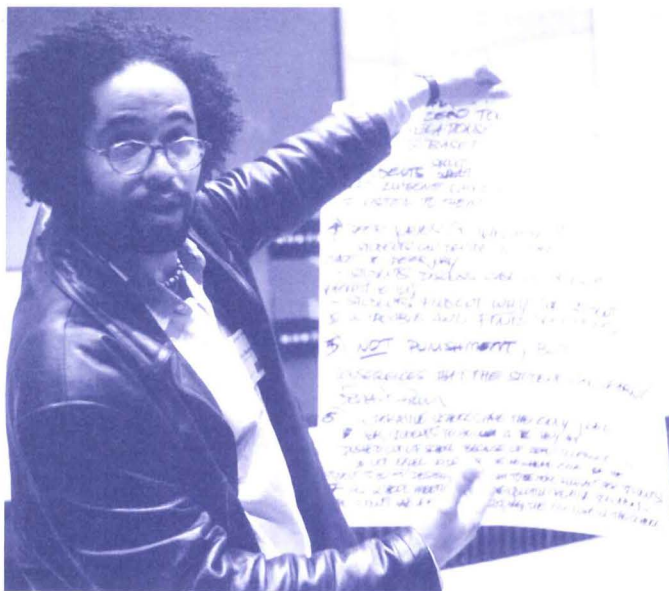
Michelle Light, the center's National Association for Public Interest Law fellow, organized "A Dream Deferred," a one-day symposium on zero tolerance. It brought more than 250 Chicago Public School teachers, school board officials, social workers, psychologists, journalists, and other experts to the Law School in May 2002 to discuss consequences of mandatory school discipline policies and more effective alternatives to expulsion and suspension. Speakers included Harvard University education professor Pedro Noguera and Rainbow/PUSH Coalition founder and president Rev. Jesse Jackson.

The center continued to seek asylum for youth and women. In January **Vanessa Meléndez Lucas**, supervisor of the center's Asylum Law Clinic, and her law students were successful in obtaining asylum for a 25-year-old gay Malaysian who proved he would have been persecuted because of his sexual orientation if returned to his home country. Later they also secured asylum on the same grounds for a woman from Saudi Arabia and a man from Peru.

Steven A. Drizin, associate clinical professor and assistant director of the Bluhm Legal Clinic, and his students filed several groundbreaking appeals on behalf of juvenile clients. One was an amicus brief filed with the University of Chicago's Mandel Legal Aid Clinic on behalf of a 12-year-old adjudicated sex offender who was banished from his home community and required to register under the Illinois Sexual Offender registration laws. In March the CFJC joined forces



Michelle Light speaking at the "A Dream Deferred" Symposium.



Jeff Banks, Coordinator, Community Panels for Youth, speaking at the "A Dream Deferred" symposium.

with the Juvenile Law Center, one of the oldest children's rights organizations in the country, and a dozen other organizations and individuals on an amicus brief for Lionel Tate, a 12-year-old Florida boy convicted of the "wrestling murder" of a 6-year-old friend.

Committed to ensuring that juveniles are given proper protections when interrogated by police, the CFJC joined with the Center on Wrongful Convictions to represent William Heirens, the longest-serving inmate in Illinois history, in his attempt to gain clemency. Heirens, now 73, was only 17 when he confessed to three murders in order to avoid the death penalty. The two centers sponsored a symposium at the Law School in March on the topic of false confessions, where the Heirens case was featured.

The center continues efforts to abolish the juvenile death penalty in the United States as part of the Juvenile Death Penalty Initiative, a coalition of five organizations that last year saw Indiana abolish its juvenile death penalty. New National Association of Public Interest Law (NAPIL) fellow **Lauren Girard Adams** joins Drizin and CFJC director **Bernardine Dohrn** in the effort.

The CFJC also remains involved in training juvenile defenders in trial advocacy and juvenile justice proceedings. In 2001 assistant clinical professor **Cathryn Stewart Crawford** became co-coordinator of the Midwest Regional Juvenile Defender Center. In July Crawford, Dohrn, Drizin, and Coin joined other advocates in workshops, speeches, and presentations to more than 80 defenders from nine states attending the Midwest Juvenile Defender Summit.

The center cohosted a symposium with the University of Chicago Social Service Administration in October. Leading authorities examined the history and current state of juvenile justice. Dohrn, coeditor of the book *A Century of Juvenile Justice*, hosted a panel and spoke, along with other authors.

Tom Geraghty and Coin, along with Diane Geraghty, director of the Child Law Center at Loyola University Chicago, worked with the American Bar Association and the National Initiative for Trial Advocacy to prepare materials for a training conference entitled "Representing the Whole Child." At the interdisciplinary program in Philadelphia in October, participants received training in advocacy skills as well as child and adolescent development.

The CFJC 10th anniversary will continue this school year with a possible film festival and its first-ever fundraising benefit.



Juvenile Justice panel discussing juvenile rehabilitation at the "A Century of Juvenile Justice" symposium, October 17, 2002: (from left) Hon. Ruben Castillo, Mark Testa, Franklin E. Zimring, and Emily Buss.

Small Business Opportunity Center Seen as a Model Transactional Law Program

In the Small Business Opportunity Center's (SBOC) four years of operation, more than 500 entrepreneurs have come to it looking for affordable legal assistance. Approximately 175 of these small business owners and nonprofit organizations have become clients. Fifty percent are women or members of minority groups. Very few would have been able to find a lawyer if it were not for the SBOC.

Typical of the clients is Michael Buck, a cellist, who spoke with Laura Karassik '03 about a business idea developed during his undergraduate days at Northwestern with help from a music professor. Buck wanted to annotate classical compositions with the fingerings, riffs, pauses, and notations needed to perform them on a particular musical instrument. Musicians worldwide would be able to purchase the annotated works through the Ovation Press Web site.

Karassik, a two-semester participant in the SBOC's clinical program, had primary responsibility for communicating with clients and doing the necessary legal work with assistance from SBOC director **Thomas H. Morsch**. The business plan Karassik developed for Buck required her to research questions regarding copyright in musical compositions, to form an Illinois business corporation, and to draft the needed contracts.

During his first semester in the clinic, Chuck Cavallo '03 had responsibility for five clients. These included Micro Lungo, Inc., a Chicago-based product development company, and a landscape designer active in Evanston and the northern suburbs. Cavallo worked under the supervision of Morsch and SBOC assistant director **Caitlin J. Cameron**.

In addition to Karassik and Cavallo, 13 second- and third-year law students had hands-on responsibility for more than 50 start-up companies, entrepreneurs, and nonprofit organizations during the 2001-02 academic year. The experience enabled them to put into practice the legal theories learned in courses like Business Associations, Legal Ethics, Antitrust, Intellectual Property, Contracts, and Entrepreneurship Law.

SBOC participants also have a chance to develop skills in interviewing clients, providing practical legal advice, and working with other professionals such as accountants, lenders, and government representatives. Almost half of the SBOC participants during the last academic year were students seeking a joint JD-MBA degree from the Law School and the Kellogg School of Management; they were able to share their experiences as business consultants with their fellow students at weekly meetings.



Tom Morsch, Director

The entrepreneurship program at Northwestern has become a model of transactional law programs for other schools. Morsch and Cameron took the lead at a legal educators conference in April in which 16 American law schools participated. And in September, two law professors from Croatia and three from Uzbekistan visited Northwestern to learn first-hand how to set up small business clinics in their own countries.

A great deal of the center's success is due to the energy and enthusiasm of the SBOC Student Board, which was voted the outstanding student organization at the Law School in the 1999-2000 academic year and the outstanding graduate student organization in the University in 2000-01. Board members for 2002-03 are third-year students Kate Rowles, Laura Karassik, Melissa Minas, and Laura Carroll and second-year students Paul Denham, Jennifer Hill, and Jeanette Suarez. They take the place of Katie Holahan '02, Jeff Pietsch '02, Rusty Chiappetta '02, Christina Goletz '02, Meg Kaplan '02, Kara Harchuck '03, Rob Koslow '03, and Himanshu Singh '03.

The SBOC is studying ways to expand and diversify its program and enrich learning for student participants. Among initiatives under consideration are greater interaction with Northwestern's Robert R. McCormick School of Engineering and Applied Science and Kellogg School of Management, the opening of an SBOC branch office in the North Lawndale neighborhood on Chicago's West Side, and increased participation in economic development and job creation programs in the Chicago metropolitan area.

Center for International Human Rights Focuses on Responses to September 11

This past academic year, the Center for International Human Rights (CIHR) focused intensively on public education activities on issues arising from September 11.

Director **Douglass Cassel** has spoken to many groups on the international law justifications for the U.S. response; on the human rights issues raised by practices such as indefinite, nearly incommunicado detention; and on the proposed use of military commissions. His commentaries appear regularly in the *Chicago Tribune* and *Chicago Daily Law Bulletin* and are broadcast on Chicago public radio station WBEZ. Cassel has been interviewed and quoted by the *New York Times*, *Time*, CNN, and other national and global media.

The center also developed academic responses to September 11. Among them was a new spring semester course on international criminal law, including international law against terrorism. In May the center cosponsored a conference with Belgium's premier university, Leuven, on "Transatlantic Perspectives on Legal Responses to International Terrorism." It was held at the European Parliament in Brussels. Presenting some of the diverse views were a lawyer for the U.S. mission to the United Nations; Yale law professor Ruth Wedgwood, a leading academic supporter of administration counterterrorism programs; and Cassel and leading European scholars who are more critical of Bush administration policy. Papers from the conference will be published.

The treaty to establish an International Criminal Court for genocide, war crimes, and crimes against humanity, which took effect in July, also has been a subject of numerous commentaries and news interviews by the center. In the fall the CIHR arranged for Justice Richard Goldstone of South Africa, former chief UN prosecutor for Yugoslavia and a member of the center's advisory board, to visit the Law School as a Howard J. Trienens Visiting Judicial Scholar. Justice Goldstone argued for the International Criminal Court as essential in the struggle against impunity for the world's worst atrocities. U.S. government opposition to the court is unfounded and counterproductive, he contended.

Overlooked in the public debate over the new criminal court has been a seemingly dramatic transformation in the role of the existing International Court of Justice, which hears only civil lawsuits between governments. Also known as the World Court, it was long relegated mainly to boundary and even commercial disputes. In recent years, however, its caseload has expanded significantly. In April the center organized the Law School's fifth annual faculty conference on the topic "Human Rights and the Law of War: New Roles for the World Court?" Speakers included Bruno Simma, a professor at the University

of Munich and Germany's nominee in the forthcoming elections to the World Court; Daniel Bethlehem of Cambridge University, who has represented Britain in major cases before the court; and Stefan Trechsel of Switzerland, a professor and former president of the European Commission on Human

Rights. American lawyers were represented by Paul Reichler of Foley, Hoag & Eliot and Donald Francis Donovan of Debevoise & Plimpton, who have handled cases against the United States before the World Court, as well as Judge Abraham Sofaer, who as State Department legal adviser was instrumental in pulling the United States out of the World Court's general jurisdiction in the 1980s.



Doug Cassel, Director

Cassel and Professor **Anthony D'Amato** also participated. Papers will be published.

The center also has organized courses for a new concentration in international human rights for foreign lawyers as part of the Law School's LLM degree program. This year's initial participants in the concentration, funded largely by the Fulbright Program, included a sitting justice of the Supreme Court of Indonesia, three human rights lawyers from Indonesia, and a public defender from Brazil. The concentration is designed to try to make a difference in transitional democracies such as Indonesia, where our first graduates hope not only to put international human rights law into practice but also to introduce it into law school curricula.

The CIHR is also working to expand opportunities for our JD students to become involved in international human rights. Together with Leuven University and a consortium of several Dutch universities, the center cosponsored a two-week human rights course in Belgium and the Netherlands in August. Three Northwestern students joined 25 other students and young professionals from around the world in an intensive seminar with experts in international human rights law. Center director Cassel taught several sessions. Students also visited the World Court, the International Criminal Tribunal for the former Yugoslavia, and the European Court of Human Rights.

Center on Wrongful Convictions Launches Public Education Initiatives

by Jennifer Linzer

In addition to redressing injustices suffered by men and women who appear to be innocent of crimes for which they are languishing in prison, the Center on Wrongful Convictions (CWC) in recent months has been extraordinarily active in public education efforts aimed at reforming the criminal justice system.

Public education and reform — always components of the center's mission — were given a boost in April when the Governor's Commission on Capital Punishment issued 85 recommendations, a number of which had been proposed by the center. These included proposals about the problems of false confessions, erroneous eyewitness identifications, jailhouse snitches, and false or misleading forensic science.

In view of the commission's report, CWC legal director **Lawrence C. Marshall** testified before the U.S. Senate Judiciary Committee's Subcommittee on the Constitution in support of legislation addressing problems that contribute to wrongful convictions throughout the nation. Marshall was joined by Illinois Gov. George Ryan and commission member Scott Turow.

A few days later, Marshall and center executive director **Rob Warden**, along with the CFJC's Steve Drizin, testified before the Illinois House Judiciary II Committee in favor of legislation they helped write in advance of the governor's commission report.

Meanwhile, center volunteer and Northwestern Law graduate Judith Royal '81 has been drafting a comprehensive package of model reform legislation that the center will work to implement in other states, particularly the 37 that, like Illinois, have capital punishment. The desired reforms would require video or audio recording of custodial interrogations of suspects to reduce police misconduct, which often leads to false confessions; modify police lineup procedures to prevent investigators from influencing the identification of a particular suspect; require trial judges to conduct a voir dire examination to determine the reliability of any proffered jailhouse snitch testimony; and remove crime laboratories from the control of police agencies to ensure their independence.



Rob Warden, Executive Director

Research projects completed by the center in recent months have amply demonstrated the need for such reforms. The projects — reported at www.centeronwrongfulconvictions.org — document how false confessions resulted in the convictions of 26 innocent men and women in Illinois, how erroneous eyewitness identifications landed 46 innocent men on the nation's death rows for crimes they didn't commit, and how false jailhouse snitch testimony contributed to 38 wrongful convictions in capital cases. A research project on forensic error and fraud is under way.

The center's research projects have been the centerpiece of major events organized around specific cases with especially high public interest. The false confession project, for instance, was released in March at an event jointly sponsored by the CWC and the CFJC highlighting the coerced confession of William Heirens in 1946 to three sensational Chicago murders we believe he did not commit.

The jailhouse snitch research was released in April at an Arizona State University Law School event focusing on the dubious testimony that led to the conviction of Max Dunlap for the 1976 assassination of *Arizona Republic* investigative reporter Don Bolles.

The eyewitness error project was released in 2001 at an event at Andrews University in Berrien Springs, Michigan, focusing on the apparent wrongful conviction of Maurice Carter for the attempted murder of a Benton Harbor police officer in 1973.



Laurence Marshall, Legal Director

False confessions were the theme of the center's annual dinner on November 21 at the Westin River North Hotel in Chicago. The event, chaired by Robert A. Helman '56 of Mayer, Brown, Rowe & Maw and John W. Baird of Baird & Warner, highlighted the case of a youth, Brenton Butler, who was coerced to sign a false confession to the murder of a tourist in Jacksonville, Florida. The keynote speakers at the dinner were Butler's public defenders, Patrick McGuinness and Ann C. Finnell, who won Butler's acquittal, provided information that led to the apprehension of the actual killer, and were featured in the Academy Award-winning documentary *Murder on a Sunday Morning*.

The center's other efforts in recent months to redress injustice have included these:

- Before the Illinois Supreme Court, staff counsel **Jane E. Raley** argued the case of Tabitha Pollock, a young mother convicted on an accountability theory of the murder of her 5-year-old daughter. The child was fatally beaten by Pollock's live-in boyfriend. The issue on appeal is whether the conviction can stand, given that the state failed to prove that Pollock had knowledge that the boyfriend posed a danger to the child.
- An amicus brief written by staff counsel **Karen L. Daniel** and signed by 44 leading members of the Illinois bar helped persuade the Illinois Supreme Court to grant a rehearing in *People v. Rissley*. The issue on appeal is that a defendant facing execution may be denied an opportunity to litigate a constitutional claim simply because he missed a statutory deadline for filing a petition for postconviction relief.
- Daniel, Raley, and Marshall filed a petition for habeas corpus petition on behalf of Randy Steidl, a former death row inmate now serving a life sentence, who was convicted of a double murder on the word of an alleged accomplice who later convincingly recanted her testimony. The petition endeavors to persuade the U.S. District Court that Steidl's trial attorney failed to take advantage of numerous opportunities to demonstrate that the codefendant's testimony was false.
- Daniel argued before the U.S. Court of Appeals the case of Tod Harding, whose murder conviction rested entirely on the testimony of a codefendant who falsely denied at trial that he had requested or been promised leniency in exchange for his testimony. The prosecutor failed to correct the witness's false claim.
- Law students Annie Jerris '02 and Anne Hunter '02, under supervision of center attorneys, won a contested motion to obtain DNA testing on behalf of Michael Evans, who was been imprisoned for 26 years on a homicide conviction. The evidence has been sent to a private DNA laboratory for analysis.

Significant Cases

Federal Judge Tosses Out Murder Conviction of Clinic Client A. M.

by Steve Drizin

After a seven-year struggle, a federal district court has tossed out the 1994 murder conviction of clinic client A. M., who was 11 years old when he was interrogated by Chicago detectives without his parents and an attorney present.

At hearing in federal court in June, Judge Rebecca Pallmeyer granted a petition on our claims that the police illegally arrested A. M. without probable cause, that his confession was unconstitutionally obtained, and that for failing to move to quash the arrest and suppress the confession, his counsel was ineffective. A. M.'s 1994 confession, in which he admitted beating and stabbing an 83-year-old neighbor woman to death, was at odds with the crime scene evidence, a telltale sign of many false confessions.

The only evidence against A. M. at trial was his confession, but because his attorney failed to move to suppress it, A. M. was convicted. Because A. M. was only 10 at the time of the crime, the juvenile court judge could only sentence him to 30 days in the Juvenile Temporary Detention Center and five years of probation.

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"Judge Pallmeyer's recent opinion stands as one of the best on the perils children face during the interrogation process."

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Bluhm Legal Clinic staff and students, under the supervision of clinic director Tom Geraghty and myself, took the case on appeal in early 1995. We lost a two-to-one decision in the Illinois appellate court.

Northwestern graduate Monica Vaca '97 and I filed a petition for rehearing, which the court reviewed for more than six months and then again denied. In the summer of 1996 I recruited Jenner & Block, where Vaca was then working as a summer associate, to work with me as cocounsel on a petition for leave to appeal before the Illinois Supreme Court. Thomas O'Neill, a partner at Jenner & Block, agreed to supervise Vaca. The petition was denied in October of 1997.

The police investigation of the murder of 11-year-old Ryan Harris the following summer had ramifications for A. M.'s case. The *Chicago Tribune* released the name of the detectives who had obtained a confession from two small boys, ages 7 and 8, who were charged with the girl's murder. One of them was

James Cassidy, the same detective who had obtained the confession from A. M. under strikingly similar circumstances. At the time of these revelations, we were preparing to file our petition for a writ of habeas corpus in federal court, which we subsequently filed in September 1998.

Judge Pallmeyer's recent opinion stands as one of the best on the perils children face during the interrogation process. Her criticism of the way the boy was interrogated — outside the presence of his parents, with adult-like Miranda warnings and a youth officer who acted like a potted plant — is a guide on how not to interrogate children. Her criticism of the defense counsel's failure to move to suppress is also a guide on how not to represent children who confess, especially when the confession is the only evidence of the client's guilt. The state has appealed her decision, and, along with Jenner & Block attorneys Robert Stauffer and David Walters, we will continue to represent A. M. on appeal before the Seventh Circuit.

Along with our federal habeas victory in the *Hardaway* case (currently on appeal; see the winter 2002 issue of this newsletter for details), the two opinions have breathed life into a half-century of U.S. Supreme Court cases (*Haley*, *Gallegos*, *Gault*) that have emphasized the need for children to have special protections in the police station.



Steve Drizin

Clinic Student Helps to Nab Imposter Attorney

When second-year law student Benjamin Mack signed for a summer at the Bluhm Legal Clinic, he never envisioned playing a key role in nabbing a con artist. But thanks to Mack's research skills and the courage of a youthful client, Ronald Travis, who had eluded authorities in four states, wound up in custody.

The 34-year-old Travis has been charged with practicing law without a license and bilking hundreds of people out of several hundred thousand dollars by promising lifetime Internet Access for just \$229. Police nationwide had tried to corner Travis, who managed to flee every time authorities closed in.

Travis had been posing on the Internet as an Arlington Heights, Illinois, attorney named Corey J. Dyer when he was paid a \$100 retainer to represent the friend of a former client of the Bluhm Legal Clinic on minor charges. Mack was manning the phone in Angela Coin's office when the former clinic client, Stephen Barros, called to ask for help because the "attorney" failed to appear in court for a bond hearing.

After Barros confirmed that "that's the same guy," the U.S. Secret Service was brought in, and Barros agreed to act as the bait in a sting operation to reel in Travis. The imposter visited Barros at his apartment, where six U.S. Secret Service agents and Aurora police showed up to arrest him. Mack's and Barros's efforts in trapping Travis made the front page of the Sunday *Chicago Sun-Times* and were recounted in other media.

While Mack said he was relieved that "other people will not be scammed by this man," he doesn't envision a legal career nabbing bad guys. "As an attorney, I'd rather work to keep people out of jail than send them there," he said.

"Police nationwide had tried to corner Travis, who managed to flee every time authorities closed in."

Mack called the Illinois Attorney Registration and Disciplinary Commission and found that there was no record of anyone practicing under the name of Corey J. Dyer. There was also no record of the attorney at the courthouse.

"So I got a little suspicious," said Mack. A former Web master for the American Red Cross of Greater Chicago, Mack turned to the Internet. He discovered newspaper articles reporting that Dyer was wanted on fraud charges in California, Maine, New Hampshire, and Maryland. Mack called a San Diego detective mentioned in one story, who directed Mack to a photograph of Travis on the Internet to show to Barros.

Reality and Role Models: International Team Project Malawi

by Zachary Freeman '03 and Kim Nemirow '03

The small, landlocked nation of Malawi got international attention in late June when a front-page article in the Sunday *New York Times* reported on the famine in southern Africa. But 22 Bluhm Legal Clinic students and Professor Tom Geraghty had already seen the devastation up close. We traveled to Malawi last spring — not because it is a country struggling with famine, but because it is a newly democratic country.

The Law School's International Team Project (ITP) provided us with a once-in-a-lifetime opportunity to study Malawi's culture and legal system firsthand. ITP, a student-led program created five years ago, allows students to travel to foreign countries over spring break to learn about their legal systems. We selected Malawi as our destination because it is small, English speaking, and off the beaten path. While most travelers to Malawi are interested in scuba diving in beautiful Lake Malawi or trekking to the peak of Mount Mulanje, we wanted to meet with government officials, civil society activists, and law professors.

We obtained great access to Malawi's political and legal circles. We interviewed government ministers, lunched with members of Parliament, and went out to dinner with Supreme Court justices. We spoke to the minister of information about freedom of speech, with members of Parliament about gender equality, and with a Supreme Court justice who was facing impeachment about judicial autonomy.

While it was incredible to meet such high-ranking dignitaries, the true value of the trip, and the reason that ITP is so important to our legal education, is that it allowed us to study law in its proper context — the day-to-day reality of Malawi. Law and culture are inherently intertwined. Studying land and energy policy meant that we needed to see the deforestation caused by too many people and too little land. Studying health and environmental legislation meant experiencing the governmental bureaucracy that precludes the implementation of good legislation. Studying child labor meant visiting tobacco fields and rural villages. Studying freedom of the press meant meeting with journalists who had been kidnapped and beaten as a result of what they wrote.

The ITP course also provided us with amazing role models. All of the judges, lawyers, professors, and students we met were 100 percent dedicated and driven by a belief that they were setting the jurisprudential groundwork for Malawi's young democracy. Their commitment was all the more impressive because the practice of law in Malawi is not lucrative and often requires challenging entrenched authority.

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Although the tragic images of the famine — the distended bellies of children, the people eating grass — will stay with us forever, it is reassuring that they are accompanied by other, more hopeful, memories: the courage of a judge willing to issue a controversial opinion, the compassion of a lawyer taking an important case knowing that there is no compensation on the other end, and the faith of a student investing in himself so he can play a role in Malawi's future.

By exposing us to these role models and experiences, ITP Malawi made us better people and better lawyers.

Featured Project

Clinical Evaluation and Services Initiative

The Clinical Evaluation and Services Initiative (CESI) is a research project aimed at improving how information about the mental health of children and families is used in Cook County Juvenile Court.

Before the project got under way in 1995, this clinical information was gathered, distributed, and used inefficiently, inadequately, in an untimely manner, and often inappropriately. Vital information on a child and his or her family was often not available when needed to make crucial decisions in a case. Sometimes a child was kept needlessly in detention because proper evaluations had not been conducted.

CESI, a joint project of the Children and Family Justice Center, the office of the chief judge of the Cook County Circuit Court, and the John D. and Catherine T. MacArthur Foundation, spent several years evaluating how psychosocial information was derived, distributed, and used. Under CESI director **Julie Biehl**, six staff members interviewed juvenile court judges, public defenders, state's attorneys, guardians ad litem, hearing and probation officers, and attorneys from the Illinois Department of Children and Family Services (DCFS) as well as psychiatrists, psychologists, and social workers who provide information to the Juvenile Court.

They reviewed approximately 1,300 juvenile case files; observed court proceedings; interviewed probation department casework personnel; analyzed the work of DCFS and contracting private agencies; looked at the clinical evaluations of parents and children in child protection proceedings and of youth involved in juvenile delinquency proceedings; met with expert panels of judges, lawyers, caseworkers, and clinical workers; and examined how much money had been spent on the clinical evaluations. CESI staff also visited or studied the clinical information systems of 11 other juvenile court systems around the country.

Concluding that a massive overhaul was needed, CESI devised a model information system for the Cook County Juvenile Court that incorporated 10 recommendations to assure structural, substantive, and procedural reform.

In 1999 a pilot program based on this model was launched in seven juvenile courtrooms. In 2001 two more pilot courtrooms were added. The four juvenile justice and five child protection courtrooms now in the program represent about a third of the juvenile courtrooms.

The pilot program has provided a valuable opportunity to test and refine CESI's theories on the information gathering

and use process and to develop definitions, policies, and procedures. The chief judge's office has endorsed the design model and is committed to eventually using CESI's redesign for the entire juvenile court system.

One key innovation was assigning a coordinator in model courtrooms to screen inquiries for information from lawyers, judges, probation officers, and case workers; assisting them in forming clearly articulated requests for the information; and directing them to appropriate clinical providers.

The coordinators, who all hold master's degrees in social work or a related field and have legal training focused on juvenile court processes and laws, are able to negotiate effectively between judges, lawyers, and professionals such as social workers and psychologists. They are also able to screen or divert inappropriate requests and, when information is needed to address a legal question, make sure it is provided in a timely, culturally sensitive manner. Teachers, grandparents, and others involved in a child's life are often consulted in preparing these answers.

Other significant CESI changes include revising information request forms to contain detailed instructions for use and revising the manual on procedures for acquiring, releasing, and disclosing evaluations and other information about children in juvenile or protection cases.

One example of how CESI has improved policies and procedures is its elimination of a rigid six-week time frame for providing the court with an evaluation in child protection cases. This requirement had been a problem because of the difficulty in arranging observations of a parent and child. In addition, the protracted scheduling of court dates in the proceedings sometimes meant the information became outdated or incomplete.

CESI's work has attracted local and national attention. The concept of a "clinical coordinator" has been adopted by a juvenile court clinic in Boston. CESI's model also has been studied by a national center aimed at developing improved policies and programs about the mental health needs of youth in the juvenile justice system.

CESI staff members, who now number 14 attorneys, social workers, clinical psychologists, and researchers, have spoken about the project to a variety of clinical and legal audiences and before professional conferences nationwide. In addition, they have had articles describing aspects of the project's work published or accepted for publication in several journals, including the *Law and Human Behavior*, the *Children's Legal Rights Journal*, and *Youth Law News*. For more information, call 312-433-6686.

Alumni Notes

ANDREW BLOCK '94

Andrew Block talks regularly with the clinic's Tom Geraghty, Steve Drizin, and Bernardine Dohrn. They helped him organize the Child Advocacy Clinic at the University of Virginia Law School, that state's biggest children's law program, and the Legal Aid Justice Center in Charlottesville. At Northwestern, Block had helped represent a 14-year-old learning-disabled youth in both delinquency and special education administrative proceedings. Block and his teachers were able to obtain residential placement for the teenager and to persuade a juvenile court judge to send him there as an alternative to incarceration.

"That case really exposed me to the idea of representing the same kid in different forums to obtain positive results," said Block. "More than any other program I can think of at the Law School, the clinic and Children and Family Justice Center prepare graduates to make an immediate impact on the organizations they work in and more importantly on the lives of the children they serve."

After graduation Block worked as a public defender in Seattle for almost three years before obtaining a Soros Justice Fellowship to start a program in Virginia to provide comprehensive legal representation and sentencing advocacy for children and to train parents and child-serving professionals how to be more effective advocates for young people. The Soros funding was continued for three years. Among Block's achievements in Charlottesville are requiring a local jail to provide special education services to disabled young adults and making sure that the city's alternative school expanded its half-day of classes to a full day of service.

Block, 37, says that says he dreams of joining the faculty at the Bluhm Legal Clinic and its Children and Family Justice Center "when I grow up. It would be like returning home to be with the family."

ROBERT BORUCHOWITZ '73

Robert Boruchowitz has been director of the Public Defender's Office in Seattle since 1978 and now supervises 90 attorneys who represent 14,000 clients each year. He credits his days working with Tom Geraghty at the Bluhm Legal Clinic for inspiring many of the policies he's put in place in Seattle.

"I learned how to work with clients and to work in partnerships as well as to develop mentoring relationships like I had with Tom," says Boruchowitz, who has hired many Northwestern graduates. "In the clinic we had two students on every case, and that has been a model for me both in training new lawyers and in handling complex litigation."

Boruchowitz joined the public defender's office in Seattle right out of law school, handling a variety of criminal cases, including one in which he challenged the practice of committing a sex offender to an indefinite prison term after the sentence has been served. The case continued for 11 years, and Boruchowitz argued the appeal in the U.S. Supreme Court.

Boruchowitz has been active with the National Legal Aid and Defender Association, working on defender standards and a model contract for defenders. He established a nationally recognized Racial Disparity Project in his office and a Death Penalty Assistance Center to advise and train lawyers in capital cases. His office also has a defender clinic based at the University of Washington Law School.

KATE MITCHELL '00

Almost every day on the job as a staff attorney for the Legal Assistance Foundation of Metropolitan Chicago, Kate Mitchell has an opportunity to make a difference by representing poor families in many areas of civil litigation.

She may assist a parent in regaining custody of a child or obtain an order of protection for a battered woman. She has kept families from a life on the streets by helping them save their homes or apartments. She has also worked to preserve utility services for senior citizens and to secure public benefits for people with no other means of support. Often she simply advises people of their rights so they can advocate on their own behalf.

"Direct services for the poor is not only an opportunity to make the world a bit better and to provide a voice and power to those who find themselves powerless in this society, it also makes those of us doing the work better people," she says. "We learn on a daily basis the reality of what it is to be poor in this country and the amazing strength of the human spirit."

Mitchell first represented the impoverished in Chicago through work at the Bluhm Legal Clinic as a law student at Northwestern. She had the opportunity to provide direct services representing children charged with crimes, obtaining political asylum for those persecuted in other countries, and assisting in the development of wide-ranging policy ideas. She said that this, along with other internships with the Legal Assistance Foundation of Metropolitan Chicago and the Public Defender's Office, gave her the inspiration and the foundation for the work she does today.

MONICA VACA '97

As a Federal Trade Commission attorney in Washington, D.C., Monica Vaca is in a position to do something about financial predators who take advantage of the poor, the elderly, and immigrants.

"Oftentimes, people rely on and trust someone who deceives them into signing loan documents that contain terms they never agreed to: balloon payments due at the end of a 15-year term, expensive credit insurance products, or prepayment penalties that prevent them from refinancing a bad loan," says Vaca, who clerked for U.S. District Senior Judge John Grady and worked for Jenner & Block in Chicago before going to Washington. She also was an attorney at the Legal Assistance Foundation of Chicago, where she initiated a Women's Law Project that focused on employment discrimination against Latina women.

At the FTC, Vaca reviews consumer complaints, investigates companies, and litigates cases involving unfair lenders. She said that many of the skills she uses were learned during the year she spent working on two big cases at the Bluhm Legal Clinic.

Vaca was part of the criminal defense team working on behalf of 14-year-old Derrick Hardaway, who was tried as an adult for the murder of 11-year-old Yummy Sandifer (the case was chronicled in the winter 2002 newsletter) and on behalf of A. M., who was convicted at age 11 of murdering an elderly woman (see page 10).

"My work at the clinic was more than a class," says Vaca. "It was an opportunity to look into a window I had never looked into before. I am not doing the criminal defense work I did at the clinic, but I feel the same commitment that I felt at the clinic to doing work in the public interest."



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Children and Family Justice Center

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

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Center on Wrongful Convictions

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

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Small Business Opportunity Center

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

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