

News & Notes

Northwestern University School of Law

Winter 2008

Civil Litigation Clinic Students Assist Victims of Mortgage Fraud

by Steve Hendershot

This winter marks 30 years since Henderson Hall moved into his Springfield Avenue home on Chicago's south side and 14 years since he bought the home from his brother. He's been there nearly half of his life — he's 65 — and says he never wants to move. But he struggled to pay his bills with his monthly retirement income of \$635, and in 2005, the house fell into foreclosure.

Soon thereafter, Hall's mailbox filled with letters from mortgage brokers promising to help him keep his home. He responded to one of the offers, from a company called Unity Management and Development Corporation in suburban Westchester. It sounded like a dream come true: the broker offered to restore Hall's credit and help him find an affordable mortgage that also allowed him to make needed repairs.

Two years later, though, the only good news for Hall is that he's still living in the home. The bad news is that he stands to lose both the house and \$85,000 in equity he's built up over his years of ownership, unless he and his lawyers at Northwestern's Bluhm Legal Clinic can prove that he's a victim of mortgage fraud. The Bluhm Legal Clinic team is well on its way.

Hall sold the home to a buyer arranged by Unity in January 2006; that buyer then leased the property back to Hall. Hall claims that the Unity mortgage broker promised him the chance to buy the house back at no cost. Instead, though, after paying off Hall's mortgage, Unity took out a much larger mortgage based on a reappraisal of the property and pocketed the difference between the two mortgages. The new owner didn't make mortgage payments, and by November 2006 the home was again in foreclosure — with Hall still living in the home and, in fact, thinking he still owned the place.

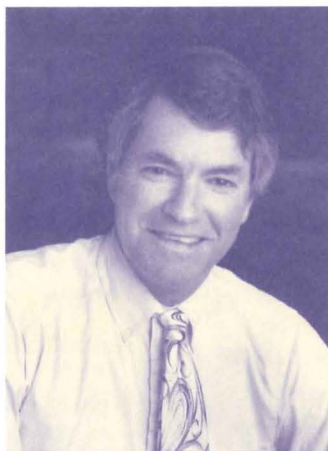
"It was clear he didn't understand what had happened, had no clue what he was signing, and still barely realized the house wasn't his," says **Meghan Lind (JD '08)**, one of the Northwestern Law students working on the case. "After meeting [Hall] and seeing the type of kind, naive person he is, it makes me angry at the people who did this to him. It's hard not to be emotionally invested in the case."

Lind won a victory in November, when her oral argument in Cook County Circuit Court convinced Judge Jesse Reyes to vacate the foreclosure judgment, even though that judgment and the confirmation of the foreclosure sale had already been entered. Lind expects the foreclosure proceeding to be consolidated with a quiet title suit Hall filed in December that seeks to establish that he is the property's rightful owner. The suit also asks for damages because of the alleged fraud scheme.

The oral argument before Judge Reyes was Lind's first. She plans to be a litigator — she graduates in 2008 and has a job lined up at Dorsey & Whitney in Minneapolis — and the chance to get real-world experience drew her last fall to

the Bluhm Legal Clinic's Program on Civil Litigation and Professor **John Elson**. Students who participate in the program can participate in civil court proceedings while they're still in law school.

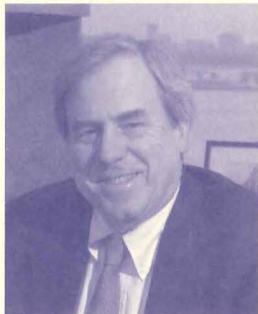
Elson, a member of Northwestern's clinical faculty since 1975, has made a career out of helping law students hone their courtroom chops while fighting for clients like Hall. In January, he received the William Pincus Award from the Section on Clinical Legal Education of the American Association of Law Schools (AALS), its top clinical education award. He took on Hall's case after other legal assistance offices turned it down, fearing that the case was too complicated and too far along to salvage. But it was perfect for Elson: complex legal issues for his students and a client in urgent need.



John Elson, director of the Bluhm Legal Clinic's Program on Civil Litigation (photo by Jim Ziv)

Big Cases/Small Cases/Great Students/ Wonderful Faculty

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



Tom Geraghty
(photo by Mary Hanlon)

There is debate within the clinical teaching community over what kinds of cases provide the best opportunities for students to learn how to be ethical and effective advocates. The Bluhm Legal Clinic has long provided both experiences, including opportunities to work closely with clients on juvenile, criminal, post-conviction, immigration, small business, consumer protection, mortgage fraud, and consumer protection cases. We have also involved students in large class action civil rights cases, some of which (as this newsletter's feature on the Clinic's civil practice describes) involve relatively little client contact and go on for years, so that students do not see those cases through to completion.

This semester, I took a number of new juvenile cases, randomly referred to us by the Cook County Public Defender's Office. The student involvement in these cases has been a marvel to watch. The level of caring, commitment to the clients' interests, and zealous advocacy is the equal of any clinical experience I've had in 37 years of teaching. The judgment brought to bear on these cases by students who had substantial work experience before attending Northwestern Law has also been unbelievably impressive, as has the

students' openness to learning from their experiences. My reaction to this year's group of students is not unique. Our clinical faculty tell me that no matter what work is assigned, our students are unfailingly enthusiastic, able, and committed, and they love learning in our "teaching law office" setting.

Small cases lead to large projects. John Elson's work in the special education area (described within) is just one example. The Children and Family Justice Center's recent release of an assessment of the quality of representation of children in juvenile court is another example of how the Bluhm Legal Clinic translates experience in practice into recommendations for reform.

This enthusiasm of faculty and students is borne out student demand for our clinical programs. Next semester (Spring 2008) we will have more students than ever enrolled in our clinical program. We will have 160 enrolled in the Bluhm Legal Clinic, working on cases under the supervision of our clinical faculty. During this academic year, 134 will take Introduction to Trial Advocacy, 164 will take Ethics and Professional Responsibility, 192 will take Negotiation, and 37 will take the Mediation Practicum. 130 will be enrolled in externships. All of this means that virtually every student at Northwestern has a meaningful clinical experience. We don't have to "require" clinical education; students demand that it be made available. Under the leadership of our Dean and of our Clinical faculty, we continue to meet that demand.

The achievements of our students and faculty are described in the pages that follow. I hope that you continue to share my admiration of the work and of the learning that characterizes the Bluhm Legal Clinic.

Recent Clinical Faculty Awards

Cathryn Crawford received the Justice for Youth Award from the Juvenile Justice Project of Louisiana.

John Elson received the William Pincus Award from the American Association of Law Schools (AALS) Section on Clinical Education.

Thomas Geraghty received an award from the John Howard Association for displaying the highest ideals of advocacy in juvenile and criminal justice.

Geraghty also received the Commitment to Justice Award from the Chicago Council of Lawyer and the Chicago Appleseed Fund for Justice.

Joe Margulies received the Public Interest Law Initiative 2007 Distinguished Alumni Award.

Jane E. Raley received a Distinguished Service Award from Indiana University School of Law.

Recent Faculty Publications

Sandra Babcock
"The Global Debate on the Death Penalty" in 34 *Human Rights* 17-20 (Spring 2007).

Cathryn Crawford, Bernardine Dohrn, Thomas F. Geraghty, Marjorie B. Moss
Illinois: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings (Children and Family Justice Center, Bluhm Legal Clinic, Northwestern University School of Law and the National Juvenile Defender Center, 2007) (Co-authored by: Patricia Puritz).

Steven A. Drizin
Police Interrogation of Youth in The Mental Health Needs of Young Offenders, edited by Carol L. Kessler and Louis James Kraus (Cambridge University Press, 2007) (Co-authored by: Allison D. Redlich).

Are Juvenile Courts A Breeding Ground for Wrongful Convictions? in 34 *Northern Kentucky Law Review* 257-322 (2007) (Co-authored by: Greg Luloff).

Thomas F. Geraghty
Assessing Children's Competence to Stand Trial and to Waive Miranda Rights in Mental Health Needs of Young Offenders, edited by Carol L. Kessler and Louis James Kraus (Cambridge University Press, 2007) (Co-authored by: Dr. Louis Kraus and Dr. Peter Fink).

Steven Lubet

"Cutting Choices" in *American Lawyer* (November 1, 2007).

"The Disreputer" in *American Lawyer* (September 1, 2007).

David J. Scheffer

"The Extraordinary Chambers in the Courts of Cambodia," the abridged text of a bookchapter in *International Criminal Law*, 3rd edition, edited by Cherif Bassiouni (Martinus Nijhoff Publishers, 2008).

"The End of Exceptionalism in War Crimes" in 16 *ILSA Quarterly* 16-23 (October 2007) (Co-authored by: Richard Cooper and Juliette Voinov Kohler).

The Extraordinary Chambers in the Courts of Cambodia and Why the Cambodia Tribunal Matters to the International Community at the Cambodia Tribunal Monitor web site (www.cambodiatribunal.org).

"The Unbearable Constancy of Atrocity Crimes in Darfur and the Eastern Congo" in 5 *Northwestern University Journal of International Human Rights* 322 (2007).

"The World Court's Fractured Ruling on Genocide" in 2 *Genocide Studies and Prevention* 123-136 (August 2007).

Sarah O'Rourke Schrup

"The Clinical Divide: Overcoming Barriers to Collaboration Between Clinics and Legal Writing Programs" in 14 *Clinical Law Review* 301 (2007).

Faculty Citation in Published Court Opinion

In *People v. Lavelle Davis*, the infamous lip print case, **Jeffrey Urdangen**, clinical assistant professor and attorney with the Bluhm Legal Clinic, testified as an expert witness on the issue of effective assistance of counsel. Urdangen opined that the trial attorney's representation of the petitioner was below professional norms because, among other reasons, he failed to rebut the State's specious lip print evidence. The post-conviction judge granted a new trial, and the Appellate Court of Illinois Second District just affirmed, citing Urdangen's testimony.

Civil Litigation Clinic Students Assist Victims of Mortgage Fraud *Continued from page 1*

"For the students, this requires thorough research, drafting motions and legal memoranda, arguing motions in court, taking depositions, and relating to our clients, and those are lessons they can draw upon later in their careers," says Elson, who, with the students' help, prepared the motion that Lind argued before Judge Reyes. "I get great satisfaction from helping people get out of these predicaments. [Mortgage fraud perpetrators] know they're using people's difficult circumstances to make undeserved money."

After learning the details of Hall's case, Lind and fellow student **Greg Ryckman (JD '08)** checked for real estate transactions involving Unity Management in Cook, DuPage, and Lake counties, and found five transactions similar to Hall's. Establishing a pattern of mortgage fraud enabled the Northwestern Law team to seek broader relief by adding civil racketeering charges to its lawsuit, tripling the amount of damages that could be awarded to its clients.

"You don't want there to be more victims, but hopefully this will increase the level of punishment," says Ryckman, who will start his career as a litigator at Kirkland & Ellis in Chicago next summer. "I want to see [perpetrators of mortgage fraud] stopped. As these cases are more prevalent and get more publicity, people will begin to recognize the signs."

In Hall's case, one key indication was a \$100,000 promissory note payable to Unity that he signed in 2005. He says he signed the note because it was part of a big stack of forms that Unity instructed him to complete. He never received any of that money. His lawyer might have advised against signing the note, but, well, that's another issue: Hall says Unity told him that it would provide him with a lawyer. In a sense, it did. The company billed Hall \$900 for the services of a lawyer on hand for the occasion, but the Northwestern Law legal team says the lawyer never indicated he was representing Hall, and that the lawyer helped Unity carry out its scheme to take Hall's title and equity.

"That's one of the worst parts of the case," says Lind. "Lawyers are obligated to represent their clients and be honest officers of court, and here they've failed in every way. This degrades what it means to be an attorney."

For Lind and Ryckman, Hall's case provides them with examples of lawyers to emulate — like Elson — as well as examples to avoid. The case will likely continue long after they leave campus next summer, but Lind and Ryckman will begin their legal careers with a powerful sense of what a dedicated, ethical attorney can do for a client.

An Evening with John Grisham and Scott Turow Benefiting the Center on Wrongful Convictions

More than 650 supporters of the Center on Wrongful Convictions turned out for a \$100-a-head fundraiser on October 24 at the Park West to hear authors John Grisham and Scott Turow describe how their experiences led them to oppose the death penalty.

Once a supporter of the death penalty, Grisham gradually came to oppose as he learned more about it while researching *The Innocent Man*, his 2006 non-fiction book about the case of Ronald Williamson, who was sentenced to death in Oklahoma for a crime he did not commit. Turow, who had been "a death penalty agnostic" as a federal prosecutor, became an outspoken opponent as a result of his work on the Governor's Commission on Capital Punishment set up by George H. Ryan, then governor of Illinois.

The wide-ranging discussion was moderated by Cornelia Grumman, the Pulitzer Prize-winning editorial writer of the *Chicago Tribune*. The event was preceded by a \$500-a-head private reception.

Turow had kind words for the center, telling the audience: "The Center on Wrongful Convictions does God's work, not only for the inmates whom it rescues, but in making Americans face the realities of the system that we actually have. Because Americans are as idealistic as they are about the justice system, they will never countenance a death penalty that occasionally executes the innocent



From left: Scott Turow, Cornelia Grumman, John Grisham (photo by Mary Hanlon)

or that has the same capacity to convict the innocent. And so the Center not only saves the lives of the people whom it exonerates, but it also educates Americans about the deep needs for reform in the criminal justice system."

Also at the event, the Center presented its Jenner & Block Award to State Appellate Defender Theodore A. Gottfried for career accomplishment. The event netted about \$80,000.

Mark Schoenfield (JD '71)

In March, Northwestern Law alum and former clinical faculty member **Mark Schoenfield (JD '71)** testified twice before congressional groups concerning environmental matters (climate change and mercury pollution of the Great Lakes).

Schoenfield, who now is senior vice president of operations and general counsel for Jupiter Oxygen, an energy technology company, explains that his first experiences as a congressional expert witness made him again appreciate his clinical law training and teaching at Northwestern, as well as many years as a trial lawyer.

"I started with a prepared statement, so the themes, structure, persuasive fact building and delivery all are quite similar to an opening statement for a trial lawyer. Then came many questions from Congresspersons, some of which were prepared by staff, and others which were spontaneous, to either gain information or make a point."

"There were elements of both direct examination and cross-examination, and, just like in court, no room for mistakes! The 'jury' is more complicated, consisting of members of Congress present, other members of Congress and the Administration, and various stakeholders, all of whom either hear or can read the testimony."

Schoenfield concludes that good clinical and trial advocacy training never stops paying off. "Before this year, I had never testified before Congress; however, knowing how to handle opening statements and cross-examination certainly helped me greatly."

Mike Bien (JD '80)

Years of advocating for prisoner rights in California are coming to a head for **Michael W. Bien (JD '80)** as a panel of federal judges considers how to reduce overcrowding in the California Department of Corrections, the nation's largest prison system.

In separate class actions in July, two federal district judges each ruled that pervasive overcrowding was overwhelming efforts to remedy constitutional violations of medical and mental health care rights of prisoners. They requested that a three-judge court be created to consider a "prisoner release order," such as a prison population cap, early release of inmates, and other remedies for overcrowding. Proceedings before the three-judge panel are under way and will lead to a trial scheduled for February 6, 2008. The state of California, with the support of hundreds of public entities, is defending the case, saying that prisoner release could create a "public safety danger."

The case consolidates mental health care and medical care class actions. Bien is the lead counsel for plaintiffs in the mental health care suit, which dates back to 1991. In 1995 a federal court found that the state had failed to provide constitutionally adequate mental health care to prison inmates, and the case was in a remedial phase for 12 years.

"I also enjoy my work in other areas of the law, but there has been something very special and rewarding about working with the most hated, oppressed, and weak of our society," says Bien, a partner in Rosen, Bien & Galvan in San Francisco.

Bien has successfully litigated major civil rights class actions against state and federal correction agencies for unconstitutional conditions of confinement, denial of mental health care, unlawful discrimination against persons with physical and mental disabilities, protection of prisoners from sexual assault, and parole revocation reform. He has also secured damages awards for individuals injured by inadequate prison psychiatric care and sexual assault of female prisoners.

"Among prisoners, I have worked mainly with populations with special needs: the mentally ill, persons with serious disabilities, juveniles, women who are victims of sexual assaults," Bien says. "I am working to obtain the most basic and fundamental of rights."

Bien's initial exposure to long-term institutional change came as a law student, when he worked with Professor Len Rubinowitz on an article about Chicago's multi-decade Gautreaux public housing desegregation litigation. He also was one of the founders of Northwestern Law's Student Funded Public Interest Fellowship (SFPIF) Program.

After graduating from Northwestern Law, Bien was a litigation associate and partner at Brobeck, Phleger & Harrison in San Francisco for 10 years. He left in 1991 to found his current firm with two partners and a few associates; the firm has since grown to 19 attorneys.

Bien received an award from the California Attorneys for Criminal Justice "for outstanding contribution to the preservation of prison inmates' rights" in 1994 and from the California Coalition for Mental Health as "Outstanding Mental Health Advocate" in 2003.

Exoneration and Compensation: The Saga of the Clinic's Representation of a Wrongfully Convicted Client

by David Kraut (JD '08)

On January 11, 1984, two women, a man, and a ten-year old boy were bound, stabbed, and set ablaze in an apartment building on the South Side of Chicago. Within twenty-four hours of the horrific quadruple murder, police arrested Leroy Orange and took him to Area 2 Police Headquarters for questioning. For the following twelve hours, nine Chicago Police Detectives under the direction of former Lieutenant Jon Burge rotated in and out of the interrogation room where Orange was handcuffed to a ring in the wall, taking turns electrocuting, suffocating, and brutally beating him. Finally, Orange agreed to make a statement implicating himself in the murders. Leroy Orange told his lawyer immediately after his arrest that he was tortured and that his "confession" consisted entirely of information supplied by his interrogators. Incredibly, his lawyer never filed a motion to suppress his coerced confession.

Months later, Orange was convicted and sentenced to death. The Illinois Supreme Court appointed Tom Geraghty to represent Orange in 1989. Mr. Orange was granted a new sentencing hearing, but his conviction was upheld by the Illinois Supreme Court. However, on January 10, 2003, Governor George Ryan pardoned Orange on the basis of innocence, ending Orange's nineteen-year nightmare. The Governor, reacting to the brutality of Mr. Orange's interrogation by the police, stated that the "category of horrors was hard to believe. If I hadn't reviewed the cases myself, I wouldn't believe it." Halting capital punishment in Illinois, he called Orange's case a "perfect example of what is so terribly broken about our system."

After his exoneration, Leroy sued the county, city, and the individual detectives for a slew of constitutional violations. Professor Sam Tenenbaum, director of the Complex Civil Litigation Clinic, joined forces with the People's Law Office to represent him in the suit. When I enrolled in Sam's clinic for the summer after my first year, I didn't know the clinic had Leroy's case, or that my first assignment would be to accompany his sister to and from her deposition.

I had no clue what to say to this woman. During the deposition, I watched as she answered through tears countless questions about her and Leroy's abusive upbringing and the devastating impact of his wrongful conviction on the family. I sensed her feelings of isolation — not just during the deposition, but throughout her life — but had no way to relate. I told her that I knew it had been hard for her, that I was impressed with her poise and concentration throughout the lengthy session. She thanked me, then asked if I thought she had done all right. "You were great," I responded, without mentioning that this was my first deposition, that I had no idea whether her statements would prove to be helpful, hurtful, or immaterial to her brother's case, and that my thoughts on her performance carried about as much weight as the cab driver's. "You think so? I don't know..." she replied. "Absolutely. Sam thought so, remember?" I reiterated. She smiled for a second and thanked me.

I recognized for the first time that my approval meant something beyond what I intended, something different to her than it ever had to anyone before. Although I was only a student, my connection to the legal team placed me in a position to make her feel a little better about the difficult experience. It was a strange feeling to have my words carry some weight — at once both exhilarating and frightening.

As the case progressed, my responsibilities increased and experiences grew more exciting. During my second year, I sat in on strategy meetings and court hearings, participated in a few covert investigations, and drafted briefs on a range of issues. As the two sides neared a settlement, I joined the Orange team during a series of negotiations mediated by a federal judge. The more I learned about the case, the more I became appalled by the misconduct and dishonesty within the Chicago law enforcement community. I especially struggled to understand the mentality and motivation of the opposing lawyers. At what point does loyalty to a job conflict with one's conscience? When do personal convictions surpass professional commitments? I hope to avoid these questions in my own career, and I decided during one particularly ugly hearing that working on behalf of the wrongfully convicted is going to be the way for me to do so.

In December 2007, a settlement was reached with the city in which \$19.8 million is to be divided between Leroy and three other plaintiffs who were wrongly convicted and who were victims of police brutality during their arrests and interrogations; Leroy will receive \$5.5 million. This payment seems a strange conclusion to Leroy's incredible odyssey, a story about violence, racism, power, freedom, and accountability, but rarely money or greed. Hopefully, the settlement will help Leroy start a new portion of his life, just as his lawsuit certainly marked a new chapter in mine.

Case Update

Supreme Court Clinic Wins Its First Case

Northwestern Law's Supreme Court Clinic won its first case, *Gall v. United States*, in early December 2007. **Jeff Green**, adjunct professor and partner at Sidley Austin LLP, briefed and argued this case, involving clinic students every step of the way.

In the 7-2 opinion, the Supreme Court upheld a trial judge's decision to place a reformed college drug dealer on three years' probation instead of assigning a prison term. An appellate court had overruled the sentence, stating that the judge had not sufficiently justified the departure from the federal sentencing guidelines. The decision gives federal judges wider discretion in determining sentences, allowing the lower courts to treat the guidelines as advisory, not binding.

The Supreme Court Clinic, led by **Sarah Schrup**, clinical assistant professor of law and director of the Appellate Advocacy Program at Northwestern Law, was designed in conjunction with the Supreme Court practice group at Sidley Austin LLP.

International LLM Students Learn Trial Advocacy Skills by Steve Hendershot

International students come to Northwestern Law to get an introduction to the American legal system. But while LLM students get an in-depth introduction to U.S. commercial and constitutional laws, most of them miss out on the defining image of American law: a trial lawyer bearing down on a witness, exposing the inconsistencies in his testimony, and turning the case irrevocably in her client's favor.

That's changing. Last fall, Northwestern Law launched a pilot class in trial advocacy for LLM students, on the theory that while U.S. examination techniques and rules of evidence don't always apply abroad, persuasiveness is a valuable skill for an advocate in any culture.

"Oral persuasion can be applied across the board; there's an irreducible minimum in the analysis and technique involved in examining witnesses," says **Steven Lubet**, director of the Law School's Bartlit Center for Trial Strategy.

The pilot course had four students — two from China, two from Thailand — and four instructors. There was a lot to accomplish: students first had to get acquainted with the format of an American trial, then learn to effectively present their case orally, even though English was not a first language for any of them.

"We were asking people who aren't completely fluent in English and are new to a process we all grew up watching on television, to make arguments and question witnesses. It was a serious challenge," says **Stephen Landes (JD '70)**, one of the instructors and a partner at Wildman, Harrold, Allen & Dixon in Chicago. "They were not only very bright, they were fearless."

That fearlessness was tested in two off-campus mock bench trials, first a criminal case in the courtroom of federal district court judge Virginia Kendall, then a civil case at the Daley Center. Those experiences built upon weekly exercises when students would test their new skills in front of the class.

"Those made me anxious every week, but they were my favorite," says **Chanya Chaowanasontham (LLM '08)**, one of the Thai students in the course.

In China, witnesses seldom appear in court, so for the Chinese students, the persuasive skills learned in class have to be applied outside the courtroom. But there are still takeaways, starting with seeing the U.S. legal system in action.

Ya Yang (LLM '08) was surprised to learn about American rules of evidence. In China, she says, witness testimony can arrive by mail; in America, anyone who offers testimony can be cross-examined. She was further surprised to learn the custom dates back to old British law.

"I believe the Chinese judicial system can learn a lot from America in this regard," says Ya. "The impartial procedures and evidentiary rules for trials are the hallmark of justice and the fundamental source of public faith in the judicial system."

For all cultural barriers, some aspects of the oral adversarial system caught on pretty easily.

"They really took a liking to cross examination," says **Sergio Acosta**, an assistant U.S. Attorney and another of the instructors. "They got really animated. I guess that part is human nature."

Adam Stapleton



Adam Stapleton, a British lawyer whose justice work in Africa has received the support of the Bluhm Legal Clinic, is spending a year at Northwestern Law as visiting clinical professor in the Center for International Human Rights.

Stapleton has worked in 16 African countries as well as South Asia and Central Europe as an adviser on justice reform. He has

been a UN human rights monitor, a consultant to UN and human rights agencies, and, since 1995, development adviser for the regional office of Penal Reform International (PRI) in Malawi. In 1995 Stapleton and his wife, Kathryn English, senior governance adviser in Malawi to the U.S. Agency for International Development, wrote *The Human Rights Handbook: A Practical Guide to Monitoring Human Rights*, which has been published in English, Croatian, and Burmese.

"Adam brings a unique blend of knowledge of international human rights principles and on-the-ground experience in implementing those principles," says Bluhm Legal Clinic director Tom Geraghty. "He has worked on the most intractable problems in places that are not always receptive to the enforcement of human rights. He brings a much-needed 'internationalist' perspective that benefits both our domestic and international work."

Geraghty met Stapleton in 2002 when students from the Law School's International Team Project course were in Malawi.

"Tom had brought over an enormous group of students to look into various aspects of the law in Malawi," Stapleton recalls. "They enabled us to develop a skeleton argument to place before the high court seeking directions on the meaning under the Malawi constitution of 'trial within a reasonable time' and 'adequate nutrition and medical attention.' When research assistance was needed thereafter, Tom Geraghty and the Bluhm students always responded with thoughtfulness and speed."

PRI and the Bluhm Legal Clinic together organized a November 2004 conference in Lilongwe, Malawi, that drew criminal justice practitioners from all over Africa. They produced a resulting volume of essays, *Access to Justice in Africa and Beyond: Making the Rule of Law a Reality*.

After 13 years of work in Africa, Stapleton says that he and Kathryn "keenly felt the need to get back to study, reflect a little, and so, hopefully, become more focused and effective in our work in the future." In the fall semester Stapleton led a clinic in which the students acted as "UN human rights officers" on a fictitious UN mission in "Messi." Using the Cook County criminal justice system to stand in for "Messi," student teams met with police, judges, lawyers, and corrections officials, visited and conducted observations at various institutions, wrote reports, and came up with projects to improve the justice situation. This spring, he will teach a seminar on penal reform in the world today.

Stapleton isn't sure exactly where he and Kathryn and their four sons will go after the Northwestern sabbatical ends, but he knows for sure that Kathryn will continue her work in justice and governance, and he will continue working in criminal justice and penal reform.

Geraghty says that wherever Stapleton is, "our work with him will continue. He will help us to identify opportunities for our faculty and students to collaborate with governments, NGOs, and individuals working to advance human rights."

Symposium Focuses on Corporate Human Rights Responsibilities

Academics, government officials, and representatives from corporations and civil society organizations from the United States and Europe gathered at the Bluhm Legal Clinic October 24–25, 2007, for the sixth annual Transatlantic Dialogue entitled “Symposium on Corporate Human Rights Responsibility: Its Growing Relevance and Enforceability.”

Organized by Northwestern Law professors **David Scheffer** and **Stephen Sawyer**, the conference was co-presented by the Bluhm Legal Clinic’s Center for International Human Rights (with the *Northwestern University Journal of International Human Rights*) and the Catholic University of Leuven, Belgium.

Panel topics included conducting a factual inquiry into the specific human rights abuses for which multinational corporations are being scrutinized, determining where the responsibility lies to correct these abuses, examining relevant policy arguments, considering the role of so-called “soft” rules in addressing human rights violations, and offering recommendations for the future regarding corporate human rights responsibility.

Report Reveals that Juvenile Defense in Illinois Well Below National Standards

Children charged with delinquent offenses in Illinois usually are assigned a defense attorney only right before, or sometimes not even until, the conclusion of their first appearance before a judge, according to a new report that concludes that representation of juveniles in Illinois falls well short of national standards.

Authored by attorneys at the Children and Family Justice Center (CFJC) at Northwestern Law and the National Juvenile Defender Center (NJDC), the *Illinois Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings* outlines a number of findings, including the lack of communication between a child and a lawyer prior to stepping before a judge and the harmful effects this has on meaningful advocacy.

“In half the counties visited, many children come to court wearing shackles, handcuffs and belly chains,” said **Cathryn Crawford**, clinical associate professor of law at Northwestern. “And because many kids throughout Illinois are meeting their lawyers for the first time before they step into court, reasonable judgment about how a case should proceed is seriously compromised.”

The report was written by the CFJC’s **Cathryn Crawford**, **Bernardine Dohrn** (CFJC director), and **Marjorie Moss**; Bluhm Legal Clinic director **Thomas Geraghty**; and Patricia Puritz of the National Juvenile Defender Center.

The assessment team included defense attorneys, prosecutors, probation officers, judges, law school professors, and researchers, who investigated juvenile courts in 16 representative counties in Illinois.

The report stresses that across Illinois dedicated attorneys are working on behalf of children but “are struggling in a system that is overburdened and underfunded.” Among the key recommendations, the report advocates limiting the use of shackles on children and

making training and resources available to provide timely appointment of counsel and zealous advocacy of cases, including state funding of a juvenile defender resource center for lawyers representing children in juvenile court.

The study was funded by the John D. and Catherine T. MacArthur Foundation and produced by the Illinois Defender Assessment Project as part of Models for Change: Systems Reform in Juvenile Justice.

The complete assessment can be found on the NJDC web site at www.njdc.info.

New Web Site Chronicles Cambodia War Crimes Tribunal

Northwestern Law’s Center for International Human Rights, in collaboration with the Documentation Center of Cambodia, recently launched a web site that will provide ongoing coverage of the Cambodia war crimes tribunal, during which senior officials of the Khmer Rouge regime will be tried for the atrocity crimes of the Pol Pot era.

The *Cambodia Tribunal Monitor* (www.cambodiatribunal.org) will offer news updates, video excerpts of the trials, and commentaries by leading international experts. The commentary section opens with companion essays by CIHR director **David Scheffer**, Mayer Brown/Robert A. Helman Professor of Law and former U.S. Ambassador at Large for War Crimes Issues, and Youk Chhang, executive director of the Documentation Center of Cambodia (DCCam).

An estimated 1.7 million Cambodian citizens died under the Khmer Rouge regime from April 1975 to January 1979. The Extraordinary Chambers in the Courts of Cambodia (ECCC) will oversee the proceedings and is a joint partnership of the United Nations and the Royal Government of Cambodia. The trials are expected to formally begin in early 2008.

Additional sponsors of the Cambodia Tribunal Monitor include the Illinois Holocaust Museum and Education Center and the J. B. and M. K. Pritzker Family Foundation.

Small Business Opportunity Center Adds to Growing Client List

Go2Call, one of the very first clients of the Small Business Opportunity Center (SBOC), recently sold a business line to a public company for \$7.5 million. Founded by engineering and business students from Northwestern, this voice-over-internet protocol company was incorporated by **Magali Matarazzi (JD ’99)**. One of the founders of Go2Call is also a board member of the Academy for Global Citizenship, a newly-established elementary school located in a predominantly Hispanic neighborhood in Chicago, and has again come to the SBOC for assistance. **John Huang**, SBOC clinical fellow, is working with the new nonprofit client.

The SBOC has also recently taken on the representation of Joe Segal, a legend in Chicago jazz circles. The assignment is to help him decide what to do with 60 year’s worth of Chicago jazz memorabilia. In doing so the SBOC will draw on its experience representing Ralph Metcalfe Jr., curator of The Metcalfe Collection, consisting of memorabilia from his father’s medal-winning performance at the Olympic Games in Berlin in 1936 and his service as a Chicago alderman and as the U.S. Congressman for Illinois’ First Congressional District. Metcalfe Sr. was one of the earliest allies and supporters of **Mayor Harold Washington (JD ’52)**.



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To make a gift to the clinic or one of its centers, please visit
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