

MEMORANDUM

TO: Curriculum Committee
FROM: Adrienne Lockie
DATE: May 5, 2007
RE: Proposed New Juvenile Justice Clinic

I propose to offer a new clinical course, the Juvenile Justice Clinic (JJC), to begin in the Fall 2007 semester. As its name suggests, we will focus on cases that deal with the rights of juveniles who are exposed daily to serious violations and deprivations of their rights under various legal rubrics.

The field of juvenile justice encompasses a multitude of kinds of cases, issues, and matters. Juvenile justice clinics across the country focus on a number of areas, including representing juveniles in cases involving criminal charges, school discipline, education, child neglect and abuse, and delinquency proceedings. Many of these issues lend themselves to individual representation in litigation before an administrative or judicial tribunal. I am not proposing that our clinic take on these issues at the moment. In part because our students have the opportunity to experience litigation matters in our other clinical opportunities, externship program, and trial advocacy classes, the JJC would expose students to skills outside the litigation context. Although the topic of juvenile rights is “traditional,” this approach includes a broader range of planned student activities to reflect an expansive view of legal advocacy. For example, students will have the opportunity to work with community organizers and organizations, and engage in lobbying, legislative drafting and advocacy, media advocacy, and public education campaigns.

Based on our knowledge of the local legal landscape in the juvenile justice area, these are a few of the projects that would be most effective as learning vehicles for students:

Advocacy for Reproductive Rights for Juveniles. Under our state’s current parental consent statute, juveniles seeking abortions must obtain the advance consent of one parent. The current vehicle for obtaining an exception to that requirement is a judicial bypass. Given the recent Supreme Court ruling upholding the Partial-Birth Abortion Ban in Gonzales v. Carhart, a local legislator has introduced a bill that would severely curtail access to abortions for juveniles, require two-parent consent in the statute, and limit the availability of a judicial bypass. Although our advocacy may take the form of representation at individual judicial bypass proceedings, the primary source of advocacy by the JJC will be working in conjunction with the local ACLU affiliate to oppose the new legislation and possibly to introduce counter-legislation.

Advocacy for Juveniles who have Experienced Domestic Violence. Teens face a disproportionate amount of domestic violence. Studies show that as many as one third of all teenagers experience physical and/or sexual dating violence, and that females age 16 to 24 experience the highest rates of violence by current or former intimate partners. Our clinic that represents victims of domestic violence in contested protection order hearings has discussed the need to provide enhanced services to juveniles who are victims or witnesses of domestic violence. Teens who experience dating violence are less likely to use the remedies that are typically available to domestic violence victims. In many cases, teens are unable to access the court system because of minimum age requirements in the domestic violence

statutes. We will explore non-litigation advocacy solutions, such as working with local schools to develop awareness and prevention programs. A second advocacy project is to work with the local child protection agency to enhance coordination with the domestic violence community so that children who witness domestic violence are not unnecessarily removed from the care of a non-abusive parent and placed in foster care.

Advocacy for Juveniles in Employment. We are concerned that juveniles in our city do not have ample job opportunities, particularly for the young people who do not attend college in the area (approximately 40% of high school graduates). Advocacy in this area would include working with the City Council to provide enhanced job training and job opportunities for young people. There is also an opportunity to work with community development organizations and to provide legal assistance to small businesses in the area. Lastly, we want to explore advocacy on behalf of exploited young workers, particularly juveniles who may be immigrants, whose families may be undocumented immigrants, or who have limited English proficiency.

There will be no dearth of issues from which the clinic will be able to choose. Each issue will provide students an opportunity to work on matters requiring a wide range of skills, including working with individual clients, community organizations, and political bodies. Students will participate in a broad range of activities in order to challenge, define, and expand their views of legal advocacy.

The clinic will be a two-semester clinic for six (6) credits per semester. Students will receive two (2) credits for seminar and four (4) credits for fieldwork per semester. Eventually, it may be possible to offer this clinic as a one-semester clinic. The clinic seminar will meet weekly throughout the academic year. Seminar topics may include an introduction to the substantive legal areas, interviewing, case theory, fact investigation, counseling, ethical issues in the representation of juvenile clients, negotiation, courtroom advocacy, political persuasion, media advocacy, and community organizing. Each week we will have case rounds for the students to present and discuss developments in their cases. The bulk of a student's time will involve individual supervision and case-related activities. The JJC would be open to both second- and third-year students. While some courses, such as a reproductive rights or juvenile rights seminar, might be helpful to students before taking the clinic, there will be no prerequisites. Students will be graded on the A-F system. There will be no examination or paper, but evaluation of student performance will be based on the faculty member's assessment of the student's reflectiveness, classroom participation, and performance in the lawyering roles. The clinic would maintain a ratio of 8 students per instructor. The students would be accepted either by application or lottery. We would be staffed by one tenure-track clinical professor who is currently involved in the civil clinic in the school. The JJC would benefit from having a Clinic Fellow for assistance with case coverage in the summer.

Given my teaching, writing, and professional interests, I have a strong interest in seeing our school have a JJC clinic. Because such an interest is a necessary but not sufficient reason to propose a clinic, I am convinced that cases in the areas discussed in this memorandum will provide the mix of rich educational opportunities for students and access to justice for historically underserved people, whether or not compounded by poverty. I believe students will be attracted to the clinic as well, as seen by our strong student groups in support of these issues, such as Law Students for Choice. I am happy to provide any additional information the committee may need in evaluating this proposal. Thank you for your consideration.