

# FALL 2008 NEWSLETTER

## SECTION ON CHILDREN AND THE LAW

Prepared by Shaun Shaughnessy, Washington and Lee University School of Law

### Officers and Executive Committee for 2008

Chair: Odeana R. Neal, University of Baltimore School of Law  
Ph: (410) 837-4644  
Email: [oneal@ubalt.edu](mailto:oneal@ubalt.edu)

Chair-Elect: Sacha M. Coupet, Loyola University, Chicago School of Law  
Ph: (312) 915-7120  
Email: [scoupet@luc.edu](mailto:scoupet@luc.edu)

#### Executive Committee:

Above Officers and:

Martin Guggenheim, New York University School of Law  
Ph: (212) 998-6460  
Email: [martin.guggenheim@nyu.edu](mailto:martin.guggenheim@nyu.edu)

Ellen Marrus, University of Houston Law Center  
Ph: (713) 743-0894  
Email: [emarrus@uh.edu](mailto:emarrus@uh.edu)

Joan M. Shaughnessy, Washington and Lee University School of Law  
Ph: (540) 458-8512  
Email: [shaughnessyj@wlu.edu](mailto:shaughnessyj@wlu.edu)

### Section Activities

This was the first year of operation for the newly formed Section on Children and the Law. Odeana Neal, our Chair, has planned a terrific program for San Diego on Children, Sex and the Law, which is described later in the newsletter. We also agreed to co-sponsor the Section on Family and Juvenile Law's program on The Growing Disconnect Among Work, Family and Marriage. We have begun to reach out to our members. We now have an e-mailing list as Odeana Neal reports below. This newsletter is our first. Please contact Shaun Shaughnessy at Washington & Lee with information for next year's newsletter or with comments about the contents or format (plain vanilla this time around) of this newsletter.

## **AALS 2009 Meeting in San Diego**

Our section's program will be held on Friday, January 9, from 1:30 -3:15. Here is a message from our Chair, Odeana Neal, describing the program.

*It has been a pleasure to serve as Chair of this nascent section for the past year. I'm sure that I, like so many other people, have often been disheartened by the dearth of legal discourse about children. It is my hope that our section can serve as a vehicle for including children's legal, emotional, physical, and intellectual needs and desires within all areas of law.*

*It is to this end that the section's topic at the 2009 Annual Meeting is the provocatively titled, "Children, Sex, and the Law." Professor Jennifer Drobac of Indiana University School of Law will examine the increasing number of children subjected to sexual harassment in their part-time employment. Shannon Price Minter, senior attorney at the National Center on Lesbian Rights, will talk about the special needs - legal and otherwise - of lesbian, gay, bisexual, and transgender children who are in state care. Finally, Dr. Ted Shaw, a partner at ITM (Intensive Treatment Modalities) Group and a psychologist specializing in the treatment of sexual offenders, will describe his work with children and why the law should treat them differently than adult offenders. Sacha Coupet, Director of Research at Loyola-Chicago's Civitas ChildLaw Center and next year's section chair will moderate. It is our hope that scholars who might not otherwise attend a session on children's issues will attend and consider whether their fields of specialty would be enriched by placing children into their analyses.*

*We have started an e-mail distribution list that has been fairly inactive this year, but which I'm sure will be more utilized in the future. Please use the list to send information about your recent scholarship, conferences that you think are of interest to other members of the section, as well as discussion about emerging legal issues. If you are not already a member of the list, you can join by completing the subscription form at <http://lists.ubalt.edu/mailman/listinfo/aalschildlaw>.*

*I look forward to seeing you in San Diego!*

*Odeana*

With other sections, we are co-sponsoring the Family and Juvenile Law Section's program on "The Growing Disconnect Among Work, Family and Marriage." It will be held on Thursday, January 8, from 8:30 to 10:15. Here is a description from Program Chair, Robin Wilson.

*This panel will examine why it is hard for women and men across the socio-demographic spectrum to combine work, marriage, and family. This difficulty plays out differently for different people. For example, highly educated men and women often face difficulties combining work, family and marriage; hence the "opt-out revolution," in which professional women are leaving the workplace in droves, sometimes temporarily and sometimes permanently, to focus on their families. Significant numbers of professional men and women have never been married or are divorced or separated. Many also have no children living with them. The split between work and family are equally pronounced for lower income persons.*

*Less educated women often combined work and children, but do not marry or have long-term stable relationships on which they can draw. Many low income men are not marrying, although fathering children, and struggle find work. This panel will examine these phenomena in detail. Understanding the disconnect among marriage, family and work for individuals across the socio-demographic spectrum is important to understanding the limits of what family law can and cannot do in this regard. Speakers are June Carbone, University of Missouri-Kansas City, Nancy Dowd, University of Florida, Levin College of Law, Steven Martin, Assistant Professor, University of Maryland, Ruth Milkman, Professor & Director, Institute for Research on Labor and Employment, UCLA Dept. Of Sociology, Sharon Sassler, Associate Professor, Cornell University College of Human Ecology, and Robin Fretwell Wilson, Washington & Lee University School of Law, who will moderate.*

### **Conferences this Year**

There have undoubtedly been many outstanding conferences this year. Your newsletter editor knows of two which are available on the web for those who are interested. (Not coincidentally, both were held at schools with which your executive committee members are affiliated.) Please let Shaun Shaughnessy know of conferences which should be mentioned in next year's newsletter.

On November 14, 2008, the Center for Children, Law and Policy at the University of Houston Law Center held a conference on Child Centered Jurisprudence and Feminist Jurisprudence: Exploring the Connections and the Tensions. Speakers included Martin Guggenheim, Angela Harris, Annette Appell, Martha Albertson Fineman and Barbara Bennett Woodhouse. Audio of the conference presentations is available at the Center's web site.

<http://www.law.uh.edu/center4CLP/events/feminist-child-centered-jurisprudence-conference-2008/audio.asp>

On October 3, 2008, the Frances Lewis Law Center at Washington & Lee University School of Law held a symposium on Protecting Virtual Playgrounds: Children, Law and Play Online. Speakers included Robin Wilson, Joshua Fairfield, Dorothy Singer, Greg Lastowka, Edward Castronova, Victor Mayer-Schoenberger, Brad Bushman, Kaveri Subrahmanyam, Robert Bloomfield and John Zuur Platten. Audio and Video of the program are available at this link.

<http://law.wlu.edu/lawcenter/page.asp?pageid=776>

### **In the Trenches**

One of the purposes of the Section is to build bridges between faculty who work on children's issues in a range of different settings – classrooms, clinics, pro bono programs, among others. We hope in each newsletter to feature descriptions of innovative programs being offered at schools throughout the country. What follows is news of an exciting initiative at Drexel Earl Mack School of Law.

### **Drexel Law Focuses Pro Bono Initiatives on Child Advocacy**

Now in its third year, the Drexel Earle Mack School of Law, located in the heart of Philadelphia, has initiated a number of partnerships with local organization involved in child advocacy efforts as part of its robust pro bono and public service programs. Every student at Drexel Law must complete at least 50 hours of pro bono service. Experience has shown that once our students get a taste of their ability to make a difference in the life of a child, the notion of this being a 'requirement' virtually disappears and many students are continuing these pro bono commitments for a year or more.

One of our partnerships is with the local **CASA (Court Appointed Special Advocate) Program**. Students have the opportunity to be trained as a CASA Advocate. These volunteers are appointed by the Court to advocate for abused and neglected children in out-of-home placement. Once trained, student volunteers complete an extensive investigation of the case by going on home visits, talking with parents, family members, social workers, school officials, health providers, and foster parents. CASA volunteers review school, medical, casework and other records pertaining to their child. Based on the findings, the student volunteer makes written and oral recommendations to the court. As a CASA advocate, student volunteers learn about Philadelphia's systems for dealing with abused and neglected children, including medical, psychological, educational, and, of course, legal services for these children. Student volunteers advocate for safe, permanent, and nurturing homes for abused and neglected children under the protection of the Dependency Court in Philadelphia County.

Students also have the opportunity to participate in an **Immigration Project that focuses on Adjustment of Status for Juveniles**. Law students work with HIAS (Hebrew Immigrant Aid Society) attorneys in handling cases of unaccompanied minors, and engage in comprehensive case representation of minors with respect to immigration matters. Our students are given the opportunity to interview clients, conduct legal research, write legal memoranda, interview witnesses, prepare affidavits, manage files, and, when practicable, attend court hearings for the unaccompanied minors.

A third example is the **Marshall-Brennan Constitutional Literacy Project**. Similar to students in close to a dozen other law schools currently participating in this project, Drexel law students are placed in inner-city high schools to teach high school students their rights and responsibilities under the Constitution. The substantive classroom visits culminate in moot court competitions in the winter and spring. In March 2009, Drexel Law will host the first ever National Marshall-Brennan Moot Court Competition. This inspiring program brings the assets and focus of Drexel Law into local Philadelphia high school classrooms, unlocking doors to frequently inaccessible legal information and offering the high school students a framework for the daily interpretation of rules and regulations likely to impact their lives.

Through Drexel Law's Pro Bono Program, students not only provide pro bono service to individuals or groups traditionally underserved by the private bar. They also learn about their ethical responsibility to provide assistance and improve access to legal services throughout their professional careers. Finally, the program highlights public service opportunities that students may want to pursue as a career path.

*If you would like to learn more about our other Pro Bono Opportunities or how we go about creating these projects, please contact us. We're happy to share what we've learned and help you develop programs at your school in any way we can.*

*Susan Brooks  
Associate Dean for Experiential Learning  
[susan.brooks@drexel.edu](mailto:susan.brooks@drexel.edu)  
215-571-4784*

*Karen Pearlman  
Associate Director for Public Interest Programs  
[kpearlman@drexel.edu](mailto:kpearlman@drexel.edu)  
215-571-4722*

### **On the Scholarly Front**

An enormous amount of legal scholarship related to children is being published. Congratulations and thanks to all of you for advancing our understanding of the issues. Christopher Colby, class of 2008 at Washington & Lee assembled the attached bibliography of scholarship published since January 2007. We apologize in advance for any inadvertent omissions. The attachment intentionally omits student works. We do have an expanded version which includes student works. It is available on request from Shaun Shaughnessy.