Chief Justice Lauds Work of Rutgers Clinics

New Jersey Supreme Court Chief Justice James R. Zazzali praised the Clinical Law Program’s preparation of attorneys and advancement of social justice when, just days before his retirement, he delivered the law school’s 2007 commencement address. In his words:

“You are graduating from a renowned institution that over the last century has built a formidable reputation for itself… Rutgers is a special place. I admire this school for the great job it does in preparing attorneys to enter the profession.

Just as important, however, I admire Rutgers for advancing the causes that determine our worth as a society, such as civil rights, free speech, anti-discrimination and equal employment opportunity, to name a few. The principles of social justice that pervade this institution have been one of the defining aspects of the New Jersey Supreme Court as well…

Rutgers-Newark was one of the first law schools to implement a clinical teaching approach. Law clinics have proliferated around the country since then, but Rutgers pioneered the model that has achieved an unparalleled impact on state law. The advances you have made are well-known, but are worth repeating: rights for poor women and children, free speech rights in our malls and other privately-owned public spaces; and protection of the right to vote for homeless people and even domestic violence victims who fear putting their addresses into the public record…

The clinical methodology offers hands-on training to aspiring lawyers who gain practical experience even as they are changing the laws - improving the laws and their society.

What an exciting, fascinating, sobering and thought-provoking experience for a young lawyer.”

Success through Interdisciplinary Advocacy

The hard work of Special Education Clinic (SEC) students Elba Serrano (’07) and Evelina Garcia (’08), and first-year Master’s of Social Work Intern Aliza Zimmer (’08), paid off this semester when together they achieved a slew of victories for a teenage boy (Student A) and his mother.

Student A is 13 years old and suffers from a moderate to severe hearing loss, which affects his ability to communicate and learn in all listening situations. Sadly, the urban school district in which A and his family live failed to identify the hearing impairment until 2003 (by not conducting annual hearing screenings as required by law), and to properly address his educational needs until 2006, when the SEC became involved in the case. Academically, Student A performed poorly from the start, despite his average IQ. He was held back twice, in the first and third grades. The district evaluated him for special education eligibility in 2001, and although testing revealed a significant discrepancy between A’s academic ability and performance, the district found him ineligible for assistance.

Clinic students, soon after being retained by A’s parent, drafted and filed a petition for due process seeking extensive compensatory education and related services to try to help
As practicing attorneys, it is fair to say that there is something to be learned from all our clients. At the very least, our clients generally know more about the business in which they are engaged than we do, and often know more about many aspects of life than we do. These principles are well known to law school clinic teachers both as a tool in the clinic teaching arsenal and as a lesson to be imparted to clinical law students.

From time to time, clinical law students and faculty not only learn important lessons from clients but also genuinely are inspired by them. The Community Law Clinic (CLC) recently represented such a client. Advance Waterproofing Co. is a multifaceted contracting, restoration and waterproofing firm based in northern New Jersey. The company specializes in masonry restoration, power cleaning and transparent coatings for both residential and business clients. It was founded by an Irish-American in 1954 and was operated by the founder and his wife until the founder’s death in 2006.

The CLC’s client, Ed Taylor, is a 64-year old businessman who had made a number of attempts to make a go at the waterproofing business. Mr. Taylor is an African-American. A lack of access to adequate and sustained financing provided him with only marginal success. Hearing Ed’s laments about the unfairness inherent in the business world, the founder of Advance Waterproofing invited Ed to merge their two companies. Ed accepted the invitation and quickly became Advance Waterproofing’s most important employee both in terms of contract compliance and business development.

Near the end of his life, the founder of Advance Waterproofing told his wife that he wanted Ed Taylor to succeed him as the company’s principal owner. Soon after the founder’s death, his wife engaged the company’s counsel to negotiate the terms of a sale of the business to Ed. Ed retained the CLC to represent his interest in the transaction.

The client provided CLC students with an insider’s view of the world of business and commerce in general, as well as some of life’s inequities and other realities.

Clinical law students handled every aspect of the transaction, which began as a “bulk sale,” and subsequently was converted to a “stock sale.” Students negotiated a contract in both contexts, conducted a thorough due diligence review of the business, provided their client with sound advice, and ultimately represented the client at the closing. Among the way, Ed provided the students with an insider’s view of the waterproofing business, the world of business and commerce in general, and some of life’s inequities and other realities. His lessons were an invaluable supplement to those imparted by the students’ clinic supervisors.

Ed Taylor inspired clinical law students and faculty alike. At 64, he approached his new business opportunity with the energy and enthusiasm of a person making a fresh start. He exhibited no signs of resentment or any other psychological baggage from the harsh inequities he had encountered earlier in his business life. He was clearly grateful for the new opportunity and determined to make the most of it, including grooming his son to be his successor in the business. □

The Community Law Clinic is one of the nation’s first combined community development / corporate-transactional / intellectual property law clinics and the school’s only entirely non-litigation clinic. Students provide legal start-up services to public interest-oriented entrepreneurs and act as counsel to small businesses, non-profits, charter schools and major community development corporations (CDC’s) in an effort to help transform blighted communities by creating employment opportunities, supportive local services and institutions, and affordable housing.

As counsel to small businesses, non-profits, and charter schools, clinical law students provide a host of transactional functions, from contract and intellectual property review to negotiations and deal closings.

In all of these functions, students learn to blend business and legal advice and are trained to be sound corporate counsel while representing community businesses and organizations that serve the underrepresented.

The clinic has helped launch several charitable organizations serving New Jersey’s urban poor, and has played a major role in securing safe and affordable housing for hundreds of low-income families.

The image depicts a scene where Ed Taylor is receiving advice from CLC Director Robert C. Holmes (back right), CLC Clinical Professor John R. Kettle III (front left), and clinic law student Frank LeFebvre (07) (front right); and reciprocates with valuable lessons on life and business.
Landmark Victory in Nuclear Regulatory Commission Proceeding

In a case being watched by nuclear energy advocates and opponents across the country, the Environmental Law Clinic (ELC), on behalf of a coalition of six citizens’ groups, successfully intervened in an administrative proceeding concerning the relicensing of the Oyster Creek Nuclear Power Plant before the Nuclear Regulatory Commission (NRC). With the ELC’s help, the coalition became the first group of citizens ever to force a company to disclose documents in a relicensing proceeding, a major achievement in light of the highly restrictive and formalistic rules on citizen intervention. The proceedings are characterized by intensive motion practice designed to dismiss citizens on procedural grounds without addressing substantive concerns. The ELC has provided the coalition with the legal firepower to withstand relentless and sophisticated legal opposition.

Most recently, the ELC successfully fended off a motion for summary disposition, which resulted in the first-ever public hearing on a nuclear power plant relicensing, scheduled for September 2007. At issue is whether the primary containment system of Oyster Creek is thick enough to meet safety requirements or whether it has corroded beyond safety limits.

Thanks to the ELC’s work, the coalition has obtained extensive discovery on the issue of corrosion of a vital safety system within the plant. Discovered documents have led the ELC and coalition to raise questions about the current safety of the plant, to which the NRC is currently responding. In addition, the ELC and coalition have forced the plant operator to improve its monitoring of the corrosion five times thus far. What remains to be adjudicated is whether those improvements are sufficient to ensure the plant meets safety requirements.

More broadly, the many troubling facts that have emerged during the proceeding have led to greater political interest in nuclear safety among local, state and federal elected representatives. Prior to this case, 44 licenses had been renewed without serious challenge, due to the stringent rules on citizen intervention. The ELC and coalition’s success in using NRC relicensing rules to gain access to information is now touted as a model; citizens’ groups in Massachusetts, Vermont, and New York are trying a similar approach. The ELC also is now representing two of the client groups in an appeal to the Second Circuit of the NRC’s denial of their rulemaking petition to change the relicensing rules.

Founded in 1985, the Environmental Law Clinic serves as the sole public interest law firm for the environment in New Jersey. Clinic students advocate on behalf of national, state and local environmental organizations to stop ongoing pollution, to demand environmentally strong regulations, to protect local coastal resources and critical watershed areas, to halt environmentally degrading development, to balance the need for affordable housing and environmental protection, and to improve the ability of environmental and community groups to voice their concerns to businesses, environmental regulatory agencies, elected officials and courts of law.

ELC Welcomes New Director

Steve Gold has been appointed as Director of the Environmental Law Clinic and Assistant Professor of Law on the tenure-track faculty. Professor Gold comes to Rutgers-Newark after serving as a Senior Attorney, Appellate Attorney and Trial Attorney in the Environmental Enforcement Section, Environment and Natural Resources Division of the United States Department of Justice (DOJ) for the past 18 years.

At the DOJ, Gold garnered 14 different honors and awards from the DOJ or the Environmental Protection Agency for his litigation accomplishments and service. He is a graduate of Harvard College and Yale Law School. At Yale, Gold participated in the Prisoner Rights Clinic, served as Articles Editor on the Yale Law Journal, and published a highly influential and frequently cited Yale Law Journal note on causation in toxic tort litigation. He is a former law clerk to United States District Judge Raymond Dearie in the Eastern District of New York.

In addition to directing and teaching in the ELC, Professor Gold will teach Environmental Law and a seminar in Advanced Environmental Legal Issues.
Commencing in the mid-1980s, the Newark Housing Authority (NHA) embarked on one of the largest housing demolition campaigns in the now-70-year history of the public housing program when it proposed the destruction of more than 6,000 apartments from Newark’s 13,000-unit inventory. Federal administrations seeking to phase out housing for the poor supported the NHA’s actions, which were consistent with nationwide trends in large urban centers responding to deteriorating living conditions and public opinion about public housing. Critics pointed to the problems of crime, drugs, disrepair and diminished life opportunities from residence in racially segregated pockets of concentrated poverty. Housing officials in cities such as Chicago, St. Louis, Baltimore, Providence, New Haven, and Houston sought to destroy large projects, arguing that they never should have been constructed or at least not in the manner pursued by prior administrations.

The destruction of the Scudder Homes public housing project in 1987 (shown above) spurred the Newark Coalition for Low Income Housing to take legal action to avert the loss of further units without adequate replacement.

At the same time, low-income housing advocates pointed to sky rocketing housing costs, frequent conversions of privately-owned publicly-subsidized housing and the expiration of lower income residency restrictions, and burgeoning homelessness as justifications for fighting to preserve permanent federal housing for the poor. They also identified gentrification as a factor in the “end it don’t mend it” approach to public housing, noting that much inner-city land on which public housing was constructed had become increasingly valuable, creating market pressures for higher-income uses. They feared the vast majority of displaced tenants would be unable to share in the benefits of the lauded “revitalizations” of their communities through demolition. The situation reached a head in Newark in the late 1980s, when public housing tenants and applicants and the Newark Coalition for Low Income Housing (the “Coalition”) brought a lawsuit seeking to enjoin the first major demolition phase—the destruction of over 2,000 apartments primarily from the deteriorating Columbus Homes projects in Newark’s developing north/central ward—NCLIH v. NHA & HUD.

The lawsuit sought to prevent the NHA and HUD from demolishing these units without meaningful replacement housing plans, to repair and rent vacant units, to prevent mismanagement in housing construction and maintenance, and to mitigate the discriminatory impacts of NHA policies.

In 1989, the parties entered into a settlement decree requiring, among other things, replacement on a one-for-one basis of 1,777 high-rise units slated for demolition with mostly scattered site low-rise townhouse apartments, the renting and repair of vacant units on a timely basis, the voiding of a contract for private market development on the Columbus Homes site and the requirement that a public housing townhouse development be constructed there, and an agreement to remedy racial imbalances from the steering of minority tenants away from other north ward projects. Primary co-counsel for the plaintiffs were Legal Services of New Jersey’s Vice President and long-time Rutgers Adjunct Professor Harris David, and Rutgers Professor and Clinic Director Jon Dubin, who began work on the case while Associate Counsel for the NAACP Legal Defense Fund.

Over the years, the Coalition frequently returned to court to enforce the decree. In 1999, when Professor Dubin joined the Rutgers faculty and returned to the Coalition’s legal team, Urban Legal Clinic (ULC) students commenced participation in this effort. Since 1999, the Coalition has challenged the NHA’s failure to implement a meaningful mobility program to provide a wide choice of housing outside of racially and economically segregated areas to the families being relocated from recently demolished projects. ULC students helped to organize tenants and advise them of their relocation rights, conducted surveys of the NHA’s treatment of tenants in the relocation process, and prepared and presented affidavits to the court on the NHA’s deficient relocation program at evidentiary hearings. After the hearings, U.S. District Judge Dickensen Debevoise entered an order temporarily removing mobility program functions from the NHA due to faulty performance and requiring the retention of an outside entity for a period of time before ceding these functions back to the NHA under a court-appointed expert’s supervision.

More recently, the ULC led a successful challenge to plans by the NHA and HUD to count homeownership units— that eventually may be sold to the highest bidder on the private market—as replacement “public housing” under the decree. In light of the federal government’s increasing abandonment of public housing, the rise in demolitions, and a growing trend to place public resources in private hands, this issue has significant national implications. In 2005,
The Urban Legal Clinic was established in 1970 to assist low income clients with legal problems that are caused or exacerbated by urban poverty. Clinical law students handle such civil matters as housing, consumer protection, bankruptcy, matrimonial, employment and Social Security/SSI disability issues. They also provide representation to clients who have been charged with minor criminal offenses.

The hallmark of the ULC is its work on behalf of individual clients, through which students gain unparalleled, hands-on litigation experience. Students handle every aspect of a case, from the initial client interview to fact investigation, discovery, motion practice and, ultimately, trial. They appear frequently in court and before administrative agencies. Under the close supervision of a faculty member, students hone their lawyering skills as they provide high-quality legal representation to indigent clients.

A beloved children's story came to life at Newark's Elliot Street School this spring when Urban Legal Clinic students put Goldilocks on trial. In keeping with the ULC's commitment to community education, Tayo Otunla ('07) and Mary Katherine Burke ('07) developed mock trial materials for a group of fourth-grade students, conducted a law-related education workshop at the school, and helped the children prepare for the exercise. The trial was held on May 1, in conjunction with the Essex County Bar Association's Law Day program.

Goldilocks was charged with breaking and entering and criminal mischief. Children played the roles of attorneys and witnesses, with the Honorable Anthony J. Frasca of the Essex County Special Remand Court presiding. Students, teachers and parents observed the proceedings.

Goldilocks ultimately was acquitted on both counts. Judging from the looks on the children's faces, however, both prosecution and defense emerged victorious.

Profsessors Jennifer Rosen Valverde of the Special Education Clinic and Randi Mandelbaum of the Child Advocacy Clinic have been asked to join a statewide workgroup devoted to improving policy and procedures to ensure that the educational needs of children in foster care are met.

The workgroup is the brainchild of New Jersey's first-ever Roundtable on Education and Child Welfare, which was sponsored by New Jersey's Child Welfare Citizen Review Panel and held in Trenton on April 30, 2007. Keynote speakers included Commissioner Kevin Ryan of the Department of Children and Families (DCF) and Commissioner Lucille Davy of the Department of Education (DOE). They were joined by key stakeholders from across the state.

The new workgroup is comprised of top administrators from the Departments of Children and Families and Education, as well as advocates and stakeholders concerned about the well-being of children in foster care. The workgroup's charge is to develop a Memorandum of Understanding (MOU) between DCF and DOE to overcome obstacles faced by children in foster care in accessing and receiving an appropriate education. Issues to be addressed by the MOU include reporting procedures, communication breakdowns, enrollment difficulties, residency determinations, identification of educational decision-makers, and the denial of appropriate education to children with disabilities. The workgroup hopes to have the MOU ready for the Commissioners’ approval within one year.
Constitutional Rights in Private Communities

The Constitutional Litigation Clinic (Con Lit Clinic) lost the immediate battles but may have won the war in its seven-year fight to bring free speech to common-interest communities under the New Jersey Constitution.

In a decision in the Twin Rivers case, reversing the Appellate Division's ruling, the New Jersey Supreme Court held that several regulations of the homeowners association restricting free speech were not unconstitutional. However, the Court also ruled that members of a private homeowners association may "successfully seek constitutional redress against a governing association that unreasonably infringes their free speech rights." This is the first state high court to hold that a state constitution's free speech protections apply to private residential communities.

In one of the bizarre aspects of the case, the Court upheld a regulation that it said allowed homeowners to post a political sign in every window of their homes. According to Professor Frank Askin, who litigated the case on behalf of the Clinic, the regulation only allowed one sign per property. The trial court had misread the regulation to allow a sign in every window. "Our clients have no problem with such a rule," Askin said.

The other regulations which were upheld involved equitable access to the community newspaper and an allegedly unreasonable fee for rental of the community room. The Court held that in light of the many alternative channels for communication allowed Twin Rivers residents, the challenged rules were reasonable time, place and manner regulations. Unlike many common-interest communities, Twin Rivers allows residents to canvass door-to-door to gather petitions and distribute literature.

The Con Lit Clinic will continue to litigate cases against associations which forbid residents from going door-to-door to speak to their neighbors or to distribute printed materials.

A "Wonder Woman" in Our Midst

On May 6, 2007, a profile of Clinical Professor Penny Venetis, entitled "Wonder Woman" appeared in the Sunday Star Ledger (New Jersey's newspaper of record, with a circulation of over 605,000). Venetis is the Co-Director of the Con Lit Clinic, and has been teaching at Rutgers since 1993. The article called Venetis a "crusading lawyer [who] fights for the underdog," and highlighted some of her many path-breaking victories, including her voting rights and international human rights work. The article appeared on the heels of Venetis's most recent success in making the 10,000 electronic voting machines used in New Jersey more reliable and secure, and bringing transparency to the voting process. It may be accessed in full at http://blog.nj.com/ledgerarchives/2007/07/wonder_woman.html.

The Constitutional Litigation Clinic has worked on cutting-edge constitutional reform since its founding in 1970. Through the clinic, students not only learn the law, they make the law.

Clinical law students are actively involved in all aspects of the clinic's work, including deciding which cases to take, interviewing clients, developing facts, crafting legal theories, drafting legal briefs and preparing for oral arguments. Students have litigated landmark civil rights and international human rights cases.

Interdisciplinary Advocacy

Student A "catch up" for education lost. Attempts to resolve the matter through informal negotiations failed, as did mediation. Thus, the clinical law students began preparations for a hearing.

Meanwhile, the social work intern conducted a needs assessment to determine if there were any other ways in which the SEC could be of assistance. Aliza quickly identified that Student A needed a caution sign outside his home warning drivers that a deaf child lived in the area; within one month the sign was in place. She also provided the parent with information on available community resources (e.g., sign language classes) and public benefits programs, including financial support through the Supplemental Security Income program. Aliza helped Student A's parent to fill out the SSI application forms and submit supporting documents; soon after the application was filed, the family was awarded benefits.

Two weeks prior to the first hearing date, the parties re-entered settlement talks at the initiation of the clinical law students. After vigorous negotiations, the students succeeded in getting the district to agree to the majority of the relief sought. They drafted a proposed Settlement Agreement, which was signed shortly thereafter and entered into a court order.

Intensive compensatory education services began this summer and will continue for the next several years. Through interdisciplinary advocacy, the SEC was able to identify and more comprehensively address the needs of a student with a disability and his family.
Neisser Award

Mary Beth Hogan (‘90) received the 2006 Eric R. Neisser Award. The award is presented annually to a Rutgers Clinic alumnus who has made significant contributions to the public interest. Ms. Hogan was a student in the Con Lit Clinic during 1988-1989. Now a partner at Debevoise & Plimpton LLP, Ms. Hogan was honored for her contributions to public interest law, including her supervision of a team of the firm’s lawyers who are co-counsel with the Con Lit Clinic on the case of Jama v. Esmor Correctional Services, Inc. The Jama case, a landmark human rights lawsuit where non-treaty-based international human rights law was used to protect asylum seekers detained by the U.S., is scheduled to go to trial this fall in the U.S. District Court for the District of New Jersey after 12 years of pre-trial proceedings. In 2007, Ms. Hogan also was recognized by The American Lawyer magazine as one of the country’s top 50 litigators under the age of 45.

EVELINA GARCIA (‘08)

Florida native and Special Education Clinic (SEC) student Evelina Garcia, ‘08, is one of eight Rutgers students to receive the Eagleton Institute of Politics’ Governor’s Executive Fellowship. Drawn to Rutgers for its reputation as the "diversity university" and its pursuit of social justice, Evelina sank her teeth into public interest legal work by representing children with disabilities in education matters as a year-long student in the SEC. Thanks, in part, to the interviewing, counseling and trial advocacy skills she gained in the Clinic, Evelina was selected for a paid summer internship with Legal Services of New Jersey. Of her clinic experience, Evelina states: "Above any internship or externship, I received the most valuable hands on legal experience from my time in the Clinic. I was responsible for a number of cases, had the opportunity to communicate regularly with clients, adversaries and witnesses, and played a large role in determining how to tackle the legal issues for each case. This is an experience you cannot get anywhere else."

MARK C. SMITH (‘08)

For Mark Smith (‘08), the Environmental Law Clinic (ELC) was a major factor in his decision to attend Rutgers Law School-Newark. With a Ph.D. in divinity, an M.S. in information technology, and prior work experience as a Navy chaplain and a systems development manager, Mark decided to embark on a career in environmental law in his "spare time." About his ELC experience, Mark states, "Participation in the Clinic allowed me to see first hand the interplay between the law and actual cases in progress. I learned a tremendous amount about the broader skill set required of attorneys. Meeting with clients, environmental advocates, other lawyers and hearing about the progress of classmates’ cases were invaluable. The Clinic was easily the most valuable part of my law school experience.”

2007-2009 Kinoy-Stavis Public Interest Fellows Selected

Each year, Rutgers Law School awards Kinoy-Stavis Fellowships to students who have completed their first-year studies and demonstrated a strong commitment to public service. The law school’s newest Kinoy-Stavis Public Interest Fellows Kacy Wiggum, Marisa Levine-Sobol, Sheila Jain, and Nadia Rollins, had deep roots in the public interest community before entering law school and show great promise to become successful members of the public interest bar.

All four 2Ls will be enrolled this fall in the Con Lit Clinic, where they will assist in litigating civil rights and human rights impact cases.

Student Profiles

The Clinics at Rutgers-Newark are a powerful draw for prospective law students, with more than 100 students enrolling each semester.

More than 35 years ago, the law faculty unanimously approved a recommendation by a group of professors, students, and administrators to create an extensive clinical program. Today, the school’s eight in-house, live-client clinics are widely recognized for their educational accomplishments and high-quality representation of underserved individuals, causes, and communities.

Here are the thoughts of some students about their clinical experiences.

BRITTA GILMORE (‘07)

Urban Legal Clinic (ULC) student Britta Gilmore’s year-long experience in the ULC’s Criminal Defense and Juvenile Justice section confirmed her decision to pursue a career in law and social activism. Neither a Ph.D. in historical musicology from Princeton, where she also taught music history, nor a Fulbright fellowship to study Bela Bartok’s music in Hungary, could tear her away from that path.

A student, teacher, and scholar, Britta describes clinical legal education as follows: “Clinic is the part of law school that leaps off the page to assume, finally, three-dimensional richness. All the concepts that are flat, dry, abstract, and academic coming from the lectern—ethics, evidence, procedure—become embodied, compelling, urgent, and important. It’s the Wizard-of-Oz moment where black letter law turns brilliant and dazzling.” She accepted a highly competitive position in the Manhattan District Attorney’s office following graduation in 2007.

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The Child Advocacy Clinic (CAC) received two new grants for the 2007-08 academic year, one from the New Jersey State Bar Foundation and the other from husband and wife Mitchell Daitz and Sharon Hellman. The funding allows for the CAC to hire the first Clinical Law Fellow in the history of Rutgers’ Clinical Law Program. After an extensive search, the hiring committee selected Rutgers graduate Nana Wilson (’07) to serve as the fellow.

The work of the fellow will be two-fold. First, the fellow will serve as part-time facilitator of the CAC’s “Aging Out” Project, which provides community education and training about the rights and entitlements of youth transitioning out of the foster care system in New Jersey. Second, the fellow will handle some of the CAC’s casework so that its Director, Professor Randi Mandelbaum, with the assistance of donor Ms. Hellman, can devote time to cultivate and develop an endowment to expand its interdisciplinary mission.

Clinical law students in the Child Advocacy Clinic (CAC) are trained to use an interdisciplinary approach to provide holistic and comprehensive representation and services to low-income children and their families. The clinic addresses the needs of three groups – children in foster care, children with disabilities, and children living in families headed by kinship caregivers (relatives other than their natural or adoptive parents). Law students represent clients in court matters involving child abuse and neglect, in administrative hearings concerning the denial or termination of public benefits, and in other legal venues.

With this generous support, the CAC will grow its "Aging Out" Project, increase the number of children and families it represents and for whom it provides assistance, and secure new financial resources to better serve children, families and the community in a comprehensive fashion. The funding also will open up new and creative educational opportunities for future Rutgers clinical law students.

40 Years of In re Gault

Faculty and students of the Urban Legal and Child Advocacy Clinics played a leading role in planning and presenting “The Promise of In re Gault: Promoting and Protecting the Right to Counsel in Juvenile Court” on April 20, 2007. This one-day symposium, jointly sponsored by the Clinics, the Rutgers Law Review, the law school’s Eric R. Neisser Public Interest Program, the National Juvenile Defender Center, and the Northeast Juvenile Defender Center, celebrated the 40th anniversary of the United States Supreme Court’s decision according due process rights to children charged with juvenile delinquency.

Norman Dorsen, the Frederick I. and Grace A. Stokes Professor of Law and Counselor to the President at New York University, former President of the American Civil Liberties Union, and counsel for Gerald Gault in the U.S. Supreme Court, shared his memories of briefing and arguing the case in a keynote address. Leading scholars and practitioners, including Abbe Smith of Georgetown, Randy Hertz of NYU, and George Thomas of Rutgers, also spoke.

The majority opinion in Gault recognized that children “need the assistance of counsel to cope with problems of law, to make skilled inquiry into the facts, to insist upon the regularity of the proceedings, and to ascertain whether [they] have a defense and to prepare and submit it.” Yet, children in juvenile courts across the country today still are denied counsel at crucial stages of delinquency proceedings or altogether, or are represented by lawyers with impossibly high caseloads and inadequate training.

"The symposium was part of a national effort in this anniversary year to ensure that young people receive the effective legal representation guaranteed to them by the Gault case and the Constitution,” notes Laura Cohen, Clinical Professor and Co-Director of the Neisser Public Interest Program and the Northeast Juvenile Defender Center. The Rutgers Law Review will publish a special symposium volume, comprised of papers presented at the conference, in the fall of 2007.