



the **ADVOCATE** | **The Center for Public Interest Law**

# DEPAUL HOLDS VINCENTIAN CONFERENCE

By Susan DeConstanza

Looking out over the city of Chicago from the 78<sup>th</sup> floor of the Sears Tower at dusk, one cannot help but be inspired. On the evening of September 20<sup>th</sup>, professors, attorneys, law students, and other members of the public interest legal community gathered at this location in the law offices of Sonnenschein, Nath & Rosenthal LLP to take in the view, to enjoy conversation, and to be inspired and informed. At the First Annual Vincentian Public Interest Law Conference, there was just enough time to let the mind wander through ambitious thoughts and goals before the attendees were called in to listen to the expertise of Erwin Chemerinsky, a renown Constitutional Law authority, and others who have spent years partnering with and advocating for those without resources.

The goal of the conference was to make it lawyers' priority to reach the underprivileged by bringing them adequate legal access. St. Vincent DePaul said, "It is our duty to prefer the service of the poor to everything else and to offer such services as quickly as possible." The speakers embodied this message at the conference which was centered on, "Creative Solutions to the Legal Services Crisis." The conference was sponsored by DePaul's Center for Public Interest Law, the Vicentian Endowment Fund, and Sonnenschein Nath & Rosenthal LLP

The highlight of the evening was the keynote address given by Professor Erwin Chemerinsky, who has been the Alston and Bird Professor of Law at Duke University since 2004. Professor Chemerinsky is known to many DePaul law students because he wrote the casebook used by many professors in first year Constitutional Law class. Professor Chemerinsky was a professor at DePaul University College of Law from 1980 to 1983 before becoming the Sydney M. Irmas Professor of Public Interest Law, Legal Ethics, and Political Science at the University of Southern California Law School. He has authored treatises, casebooks, and law review articles and has been honored with many awards, including

one of the "top 20 legal thinkers in America" by *Legal Affairs*. Professor Chemerinsky has argued many cases in the U.S. Supreme Court, including last year's challenge to the Texas Ten Commandments monument.

### What Is the "Legal Services Problem"?

Professor Chemerinsky began by exploring the scope of the current legal services problem. In the United States, there are laws to protect people, but these laws have no value if there is no available access to the legal system. This is a problem faced by the poor and by the middle class in a country where the price of quality legal representation is rising all the time. Professor Chemerinsky said the problem is exacerbated, and even initiated, by the fact that the government does not provide the right to counsel in enough situations. For example, there is no guaranteed right to counsel in a *habeas corpus* case.

### Why Has the Problem Developed?

Professor Chemerinsky explained that so many legal needs go unanswered in this country for a variety of reasons. In Professor Chemerinsky's view, there has been a failure of Constitutional interpretation. It was not until 1963 in *Gideon v. Wainwright* that the United States Supreme Court recognized a right to counsel in state court when the defendant is faced with a prison sentence. In his opinion, there are a number of civil cases that should also require a right to counsel. For example, in *Lassiter v. Department of Social Services*, an indigent mother faced an involuntary termination of her parental rights. If we believe that parental rights are to be constitutionally protected, an indigent parent facing losing her children deserves a guide through our complex legal system.

Professor Chemerinsky also stated that there is a lack of political will to change the current situation. There are narrow limits to what attorneys can do even when the government provides access to legal services. For example, programs sponsored by Legal Services Corporation, established

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by Congress as a means of access to justice for the poor, cannot handle criminal cases, class actions and challenges to welfare reform.

### What are Possible Solutions?

Professor Chemerinsky, joined by panelists Terry Norton, the Pro Bono Partner at Sonnenschein Nath & Rosenthal LLP, Ruth Ann Schmitt, the Executive Director of the Lawyers Trust Fund of Illinois, and John Bouman, the Advocacy Director of the Sargent Shriver National Center of Poverty Law, posed several possible solutions to the legal crisis now facing the country. These panelists proposed creating a constitutional right to counsel in civil cases, and pushing for legislative reform in both state and federal government. The panelists suggest that there must be support for the American Bar Association's resolution that cases involving basic human needs, such as shelter, sustenance, and child custody, require a right to counsel. Making it mandatory for attorneys to represent the underprivileged would also help relieve the legal crisis.

# DePaul CSI Enjoys Record Participation

By Jeffrey Oudsema

The DePaul University College of Law's Community Service Initiative has returned this fall with more opportunities for DePaul students and alumni to give back to the Chicago community. This fall, the project has expanded to cater to the record interest voiced by students and Chicago lawyers.

Established in the summer of 2005, the Community Service Initiative, popularly known as "CSI", seeks to connect DePaul law students with volunteer agencies here in Chicago. CSI is the perfect outlet for students to gain more experience in the community interest legal field. CSI also encourages Illinois lawyers to use their respective law degrees to represent underprivileged citizens who often lack adequate legal representation.

All DePaul law students and alumni are encouraged to participate regardless of their individual career paths.

"Not only do CSI's various programs help the underprivileged, but they also allow students, and practicing attorneys, to gain more experience in a field they may not other-

wise get the opportunity to practice in," said CSI coordinator Carmelita Tiu.

First-year students are encouraged to apply because they are able to remain involved in the public interest job opportunities all throughout law school. Upper level students are also encouraged to apply because they can effectively

lawyers' pro bono responsibilities."

Some of the participating agencies in CSI include: the Louise Project, Safer Foundation, Lawyers Committee for Better Housing, Cabrini Green expungement project, Centro Romero, Lawyers Committee for Better Housing, Family Law Court Watching Project, First Defense Legal Aid, Illinois Coalition for Immigration, Latino Union of Chicago, Margery Kovler Center for Treatment of Survivors of Torture, Students Hurricane Network, and North Lawn-dale Predatory Lending Project. All of these respected agencies are in need of volunteers to provide adequate legal access to the underprivileged.

On top of providing community service, students are able to come face-to-face with real life struggles.

"More than anything, CSI has really helped put a face on the problem," Tiu explained. "These are all issues that you read about every day and CSI actually allows students to come face to face with the problems."

Student and alumni interested in participating in CSI can contact Tiu at [depaulcsi@gmail.com](mailto:depaulcsi@gmail.com), or visit the College of Law's homepage link.



use their Illinois 711 license to gain experience in the courtroom.

"I encourage any student to get involved because, to me, lawyering is so much about advocacy and service. Through CSI, students can act directly as the voice of their client. These volunteer opportunities really allow students to hone that ability to develop the attorney-client relationship," Tiu said. "Plus, the ABA has just recently passed pro bono reporting requirements focusing on Chicago

# Community Service Initiative Organizations

The following is a list of organizations students may get involved with through Community Service Initiative:

**Cabrini Green Legal Aid Clinic** offers an expungement help desk, which allows students to work a minimum of one shift a month to help ex-offenders expunge their criminal convictions. Former offenders are able to obtain better employment opportunities through the Cabrini Green expungement project.

**Centro Romero** is a legal aid clinic to the local Hispanic community. Centro Romero is a community center providing educational and social services to residents of Edgewater, Rogers Park and Uptown. The legal department administers the Latin American Legal Assistance Services (LALAS) Program and provides citizenship and immigration services and representation to Latino immigrants including: family-based immigration; adjustment of status; citizenship and naturalization; Central American political asylum; ABC / NACARA suspension and temporary protected status.

**The Lawyers Committee for Better Housing** represents the underprivileged in housing matters. This agency provides legal access to the underprivileged, on a nondiscriminatory basis, to obtain moderate and low income housing.

**West Suburban Public Action to Deliver Shelter (PADS)** offers a full range of services. These services include emergency shelter, a daytime support center, specialized case management in the areas of mental health, substance abuse and medical treatment. PADS also offers various levels of housing for single adults, couples, and families and homeless prevention services.

**First Defense Legal Aid** offers free 24-hour legal representation and advice to any individual taken into Chicago Police Department custody. FDLA volunteers will interview the arrestee, inform the arrestee of his/her constitutional rights, provide the arrestee with bond information and serve as a link between the arrestee and his/her family.

**Illinois Coalition for Immigration and Refugee Rights** educates and organizes immigrant and refugee communities to assert their rights; promotes citizenship and civic participation; monitors, analyzes, and advocates on immigrant-related issues and informs the general public about the contributions of immigrants and refugees.

**Latino Union of Chicago**, through consistent organization and advocacy, seeks to improve the wages and working conditions of the Latino community in Chicago.

**Students Hurricane Network** was formed by law students across the country. This agency provides assistance to communities affected by Hurricanes Katrina and Rita. The network works closely with 18 public interest organizations to conduct massive intake, interviews, research and physical cleanup. Students assisted with projects involving criminal justice, housing, immigrant labor, FEMA claims and more.

**North Lawndale Predatory Lending Project** provides assistance against the abusive mortgage practices that extract unfairly high rates and fees from unwitting borrowers.

**Marjorie Kovler Center for Treatment of Survivors of Torture** is a program of Chicago Health Outreach. The center coordinates comprehensive pro bono health services to survivors of state-sponsored torture from more than 40 countries. The center is seeking volunteer clinical social workers and licensed therapists interested in providing mental health services to survivors of torture.

# DePaul Offers New Public Interest Legal Writing Sections

By Stephanie Basanez

In an effort to nurture, educate and inspire law students wishing to devote themselves to public interest work, DePaul's Center for Public Interest Law created a specialized legal writing sections for incoming first-year law students. The legal writing section class, which is geared towards issues within the public interest field, fosters the practice of public interest law and encourages students to work for social justice.

During DePaul's admission procedure, more than 400 potential law students expressed an interest in practicing public interest law. Thirty-eight of these applicants were chosen as the first group of students to participate in the public interest legal writing program, taught by Professor Allison Ortlieb. Assignments cover public interest topics regarding individuals, groups

and societal interests traditionally underserved by our law and government. However, Ortlieb ensures that the legal analysis, research, and communication cover a cross-section of material including issues in civil law, common law, criminal law, state law, federal law, and statutory law, all while resonating public interest themes.

**“The public interest legal writing section at DePaul is extremely rare.”**

The public interest legal writing sections reflect DePaul's unique approach to offering specialized legal writing sections. The public interest legal writing program at DePaul is extremely rare, being the only one of its kind in the entire state of Illinois. DePaul is among only five law schools in the

country offering a specialized legal writing section. Other law schools offer legal writing sections focused on health law and intellectual property. DePaul's distinctive program offers many benefits to students, such as receiving hands-on training, experience, and interaction within the public interest field. Additionally, participating in the legal writing sections creates connections with like-minded individuals and produces public interest networking opportunities with school organizations and public interest employers.

Though new, the public interest legal writing sections have generated positive feedback from faculty members and participating students. Ortlieb expressed how impressed she is by this “enthusiastic, diverse, and dedicated group of public interest law students.”

## What is Public Interest Law?

Public interest law serves individuals, groups, and social interests that are traditionally underserved by our law and government. It seeks to empower subordinated persons and communities, redress the imbalance of power between individuals and government, and promote social justice. It encompasses working to end discrimination and inequality based on class, race, ethnicity, religion, gender, sexual orientation, age, or disability; lawyering on behalf of significant issues, such as the environment, healthcare, consumer protection, free speech, and voting rights; and representing people who cannot afford or do not have access to adequate legal representation, including children, the poor, criminal defendants, and institutionalized individuals.

## What is the Center for Public Interest?

DePaul's Public Interest Law Program, now the Center for Public Interest Law, was initiated in 2004 by four students, determined to see the College of Law formalize its commitment to public interest law. Their efforts led to the creation of the Program, broader public interest law course offerings, institution-wide support for public interest endeavors, and the creation of Chicago's first Public Interest Law Certificate program, designed to acknowledge those students with a demonstrated interest in the field. Today, the program has expanded beyond expectations, including an Loan Repayment Assistance Program.

## Alumna Profile: Susan Storcel

*Susan Storcel graduated from DePaul University College of Law in 1990. She currently serves as director of the mediation program for the Child Protection Division of the Circuit Court of Cook County.*

Q: How does the mediation program work?

A: Our mediation program involves only child protection cases. The only way to get to our mediation program is by court order so people have got to ask the judge handling the case to enter an order into mediation. Anybody involved in the case can ask for that order. Any of the attorneys, family members, foster parents, caseworkers and the judge can also order parties to mediation sua sponte and over anybody's objection. Virtually any issue that is impeding permanency for the child or movement in the case can come to mediation and the case can come to mediation immediately after the temporary custody hearing. Temporary custody is the first hearing that takes place after the state files its petition for adjudication and motion for temporary custody. As soon as the judge has ruled on that motion and the petition has been sustained, the parties can come up here. What we do up here is people talk. The two mediators, they're here to facilitate conversations, we don't offer any solutions. We don't tell the people what they have to talk about. All we do is ask questions.

Q: How many sessions do people usually go to before issues are resolved?

A: It depends. Some families just come once. And that usually happens when there are very narrow issues, like a visitation schedule. I'd probably say that two sessions could be somewhere around an average, but we've had families that have come as many as 10 times. And that's fine. We say the porch light is always on.

Q: Do you think mediation is more successful than typical adjudication proceedings?

A: I don't think that mediation can replace adjudication. You need the findings, at

least in child protection as it stands now. Better is not a good word, but I think it's a good partner. It helps the adjudication process move forward and it helps the adjudication process in this court do so in a more humanitarian manner.

Q: What role do you see mediation playing in the justice system overall?



A: Courts are crowded and in this whole litigious society we have that everybody feels they have to sue about everything, the only way that the justice system is going to be able to deal with that is by sitting people down at the table and saying, 'You guys are going to have to work this out. We're not saying you don't have a valid claim. We cannot spend three days in trial doing this.' I think it's going to be much more cost effective for the courts and for the litigants."

Q: What motivates you to continue what you do here?

A: I've served on the child death review team for many years. That is a team where we review child fatalities in Cook County from the perspective of 'is there a policy change or is there a law that might have prevented that death?' So we review and look if they're homicide, accidental SIDS, whatever. I had the opportunity to review the death of a young child who had been starved. The autopsy photos of that little baby are permanently etched in my brain and whenever I think that I just don't want to come here any more, I get that image

and I think, 'By coming back into this building maybe I can do one minute little thing for one split second of the day that might prevent that from happening to another child.' And that has been my motivation since 1998. He'll always be with me. That sounds rather morbid, but that's this little baby's legacy.

Q: How have you done this for long and how has it affected you emotionally?

A: The Public Guardian's Office has and has always had an exceptional training program and one of the things they train about and one of the things that they watch for in their young attorneys is avoiding that overload. And they really help to mentor the young attorneys so that they don't have that emotional burnout that can come. When I started the chief deputy said something to me. She said, 'Susan, you can't make every child's life great. But you might be able to make one child's life a little better.' That helps you to sort of accept your limitations, your humanness. It's sort of a mantra.

Q: When you were in law school did you see your career going down this path?

A: Absolutely not. I stumbled into public interest. I think it might help a student understand that there is life after failure. I failed the first bar exam. Only because I was totally stressed of the pressure of my entire future rests on these two days. After I realized that I had failed and I knew I had to take it again, I thought, I've got to find a job for six months. I actually went to the placement office and I saw an ad for the Public Guardian's Office. I went down there and that position had already been filled. But they saw my probate experience and said, 'We think we have something for you.' Once I got there I loved it there and I planned on staying. For me, failing that first bar exam was, to me, a reward because it forced my life to take a certain turn. I guess I can't even call it a failure anymore because it was one of the most positive things that has ever happened in my life.

## Calendar of Events

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Panel on Chicago Police Torture .....	October 25
Civil Law Career Panel .....	November 8
Chicago Housing: Legal Crisis Panel .....	November 15
Thanksgiving.....	November 23
Fall 2006 Final Exams begin.....	December 7
Winter Service Immersion Trip.....	Early January, TBA
Spring 2007 Classes Begin.....	January 13
Hang-out lunches for DePaul law students .....	Mondays
interested in Public Interest work	throughout the semester

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