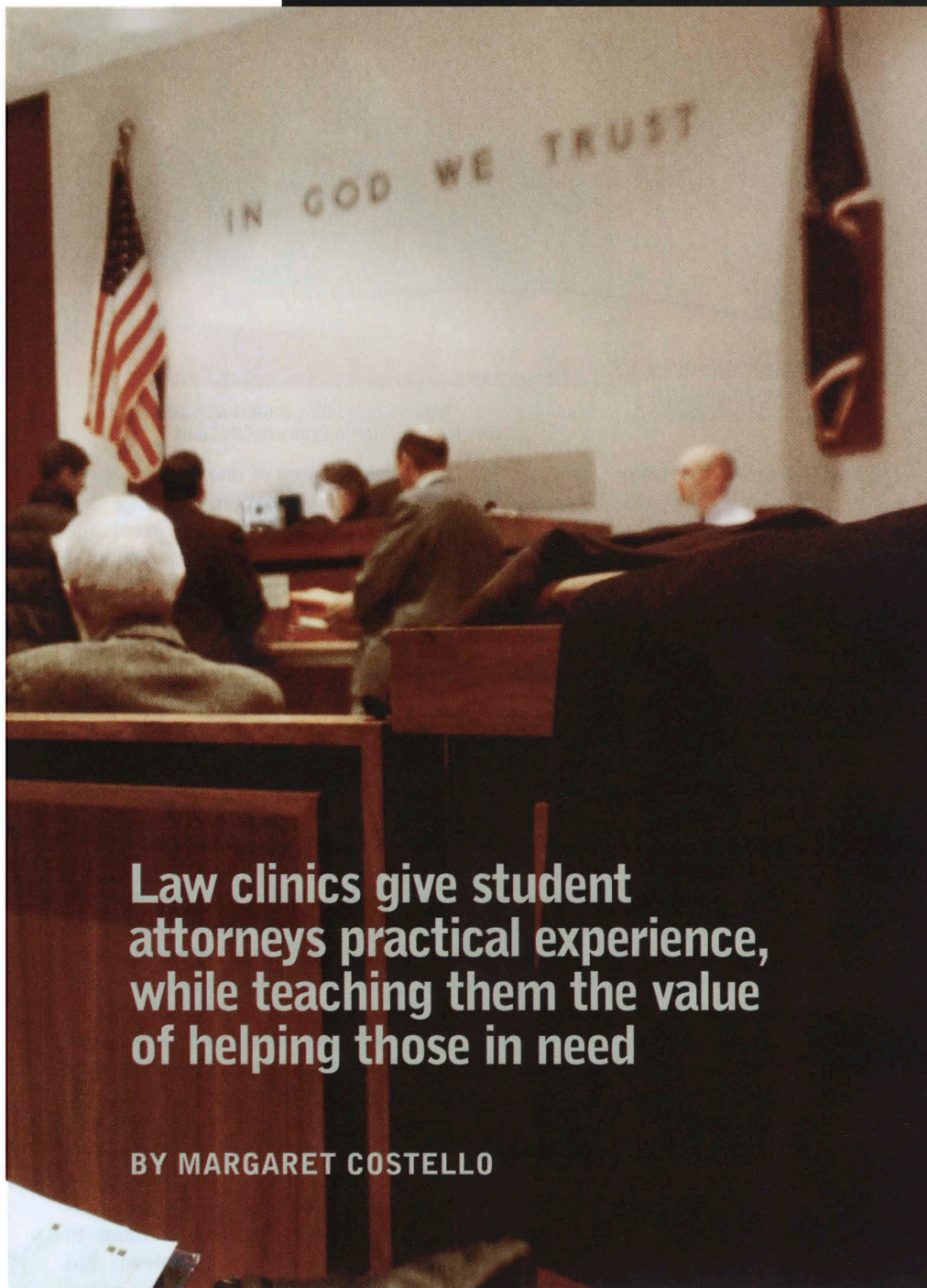


LESSONS IN LAWYERING



Photography By John Dowling



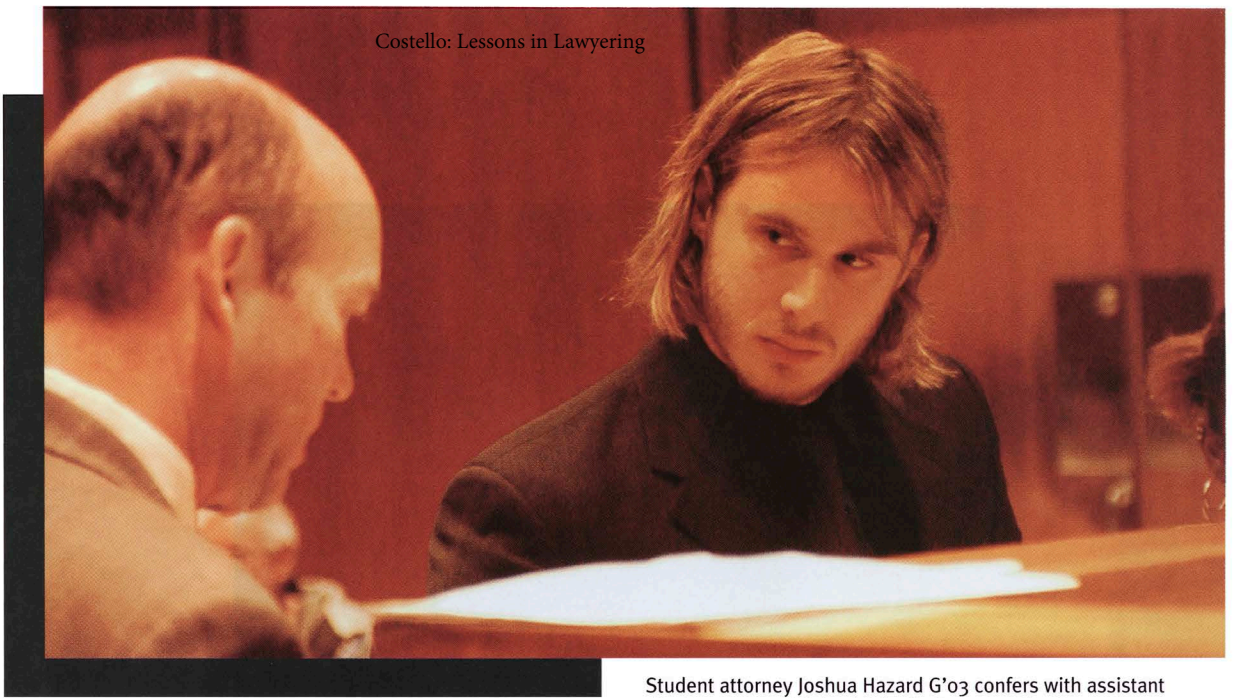
Law clinics give student attorneys practical experience, while teaching them the value of helping those in need

BY MARGARET COSTELLO

As a College of Law student, Marna Rusher G'01 remembers being repulsed by the actions of a Syracuse-area woman who was accused of allowing five puppies to freeze to death in her backyard. The next day Rusher stood before Criminal Law Clinic professor James K. Weeks and asked to be assigned to the case. She considered it a true test of her lawyering capabilities. As an avid animal rights activist, she wondered whether she could set aside her strong disdain for this woman and provide her with unbiased representation. "I expected the woman to be a heartless, ignorant person," Rusher says. "As I interviewed her to prepare for court, I learned how horrified she was about what happened." The woman hadn't real-

ized her dog was pregnant. Nor did she know the dog had whelped the puppies in her backyard on a cold December night. When she found them, they were already dead. "It was the woman herself who called the authorities," Rusher says. "She did not want to discard them in the trash, and because the ground was frozen, she could not bury them."

Despite Rusher's efforts to convince the prosecutor and judge of the woman's innocence in causing the puppies' deaths, the woman paid more than \$1,000 in court-ordered fines and fees, had her dog taken away, and was not allowed to have another animal in her house for a year. "The judge rode a wave of popularity with



Student attorney Joshua Hazard G'03 confers with assistant district attorney Michael Price in Syracuse City Court.

his ruling," she says. "I left heavy-hearted knowing the actual tragedy of the case and with a very real appreciation of just how essential it is to keep an open mind at all times." The experience opened Rusher's eyes to a side of lawyering that she would have never found in the pages of a legal textbook. Now, as an assistant district attorney in Middlesex County, Massachusetts, Rusher keeps that case in the forefront of her mind to help her maintain a sense of objectivity and an appreciation for an individual's humanity. "I am a better person and therefore a better lawyer because of the intense training and hands-on experi-

generally fall under the auspices of one of the five on-campus clinics (for more information, see page 43). The clinics accept cases that involve racial, sexual, and religious discrimination or other civil rights violations; such criminal offenses as petit larceny, marijuana possession, and harassment; children's rights, child custody and support problems, and family law issues; income tax disputes; and transactional law topics like real estate closings, incorporating nonprofit groups, and tax exemption filings. Each year the approximately 50 students enrolled in the clinics are allowed to practice law under the license of their faculty supervisors with permission from the New York State and federal court systems. The students perform all the functions of licensed attorneys—interviewing and counseling clients, drafting and filing motions, even conducting hearings and trials in court—under their advisors' supervision.



Professor Arlene Kanter directs the Office of Clinical Legal Education at the College of Law.

ence I received in the criminal clinic program," she says.

For more than 30 years, student lawyers in the College of Law have fought for equal justice for traditionally under-represented people through the school's legal clinics. The clinics are often the last hope for clients who might otherwise be denied legal services due to lack of money, or

because their cases involve such unpopular issues as the rights of immigrants or prisoners. "The clinics were founded because there was a need—there were no or few lawyers in our community to provide representation in these kinds of cases," says Professor Arlene Kanter, director of the College of Law's Office of Clinical Legal Education. "And the need continues today, and is even greater than in years past, due to federal restrictions on our local legal services offices."

The program offers free representation in cases that

"In other classes, you're stuck in an academic vacuum, and basically all you talk about is what's between the covers of a book," says Stephen Allen G'03, a member of the Public Interest Law Firm (PILF), one of the on-campus clinics. "Here, you realize everything isn't neatly packaged like in the textbooks. There are often unexpected gaps, and that bolded text on the page is an actual person whom you interact with and assist. It's baptism by fire. You roll up your sleeves and jump in."

During his first week with PILF, Allen fielded calls from prospective clients and interviewed them to determine what legal issues were involved and whether the clinic should consider taking their cases. For example, one caller believed he had been wrongfully fired. Remembering how the law books stated an attorney had 90 days from the termination date to file a claim, Allen figured the clinic had time to consider the case's merits. "You read the statute and assume when somebody gets fired they'll give you a call two days later," Allen says. "But I've learned that sometimes you get that call on a Friday from someone who has to file by Monday. Then you're basically living at the law clinic for the weekend."



Professor Karen Yau-Smith, left, talks with student attorneys Christopher Brough G'03 and Diana Cunningham G'03 about a case being handled by the Public Interest Law Firm.

The Real Deal

In many ways, the Office of Clinical Legal Education in MacNaughton Hall, home to the five clinics, resembles a law firm more than a college classroom. The suite features conference rooms (each equipped with a video camera and a two-way mirror), a reception area, a copy center, and several individual offices. Students dressed in business suits consult one another and pore through large law books between client meetings and conference calls. They clock their required 20 to 25 hours a week on time sheets and often put in extra time at night and on weekends researching particularly troublesome cases.

While the unpredictability and stress of legal cases can be initially unsettling, the experience provides students with a practical application—a method of learning hailed by the University's Academic Plan. "I'm a big believer in clinical legal education," says Laura McNally G'99, who runs two law clinics at the University of Alabama School of Law. "Without the clinic, I wouldn't have stayed in law school. I wasn't understanding how the law works from the lessons I learned in the classroom." However, fall semester of her second year at SU, she was admitted into PILF and flourished from the experience. "The clinic became my life at Syracuse," she says.

The clinical experience also gave her confidence to examine areas of the law and legal profession she might not have explored otherwise. "I was hoping to avoid ever having to appear in court," she says. "I wanted to be a legal advocate, not a litigator. But I knew I'd never again have this chance to try litigation with someone there to rescue me if I really started to mess up. So I did it." Having a supervised hands-on learning environment allowed McNally to try out her newly acquired courtroom skills without jeopardizing her case. "I think of clinical legal education as similar to the medical model," she says. "Doctors have residencies before they actually go out on their own; lawyers should have a similar supervised training period." Adds Rusher: "Graduating from law school without clinical experience is like getting a driver's license by passing only the written test."

In recent years, professional legal organizations have voiced their support of legal education that incorporates skill-building and practical experience. In 1992,

the American Bar Association issued the MacCrata Report, calling for more emphasis on applied learning programs in law schools and attention to such fundamental lawyering values as "justice, fairness, and morality." Those two areas drive much of the work performed at SU's clinics, says Professor Karen Yau-Smith, PILF director. "We hope our students learn good professional skills and judgment."

While the clinical movement gained momentum nationally in the past decade, the College of Law's history in clinical education set it apart from the pack. "SU has been at the forefront of this movement, and we've stayed there even as the status of clinical programs in law schools has risen," says Professor Deborah Kenn, who directs the Community Development Law Clinic (CDLC). For example, the College of Law was one of the country's first schools to establish tenure-track positions for clinical faculty. "The tenured faculty who teach in the clinics are really a testament to the program's value," says Dean Hannah Arterian. "These professors



Professor Deborah Kenn, center, listens as student attorneys Debi Dilman G'03 and Jason Jones G'03 review a case as part of their work with the Community Development Law Clinic.

are not second-class citizens like at some law schools. The SU program is strong and well known. That's a tremendous advantage for the College of Law and the University, and it's terrific for the community we serve."

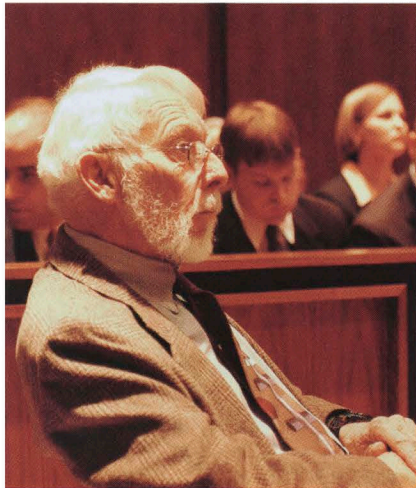
A Reputation of Excellence

While the caseload varies from year to year among the school's clinics, the quality of representation remains high. As a result, community legal services offices, private attorneys, and judges refer a large number of clients to the law school each semester. In 2001-02, for example, local judges assigned SU student attorneys to represent more than 160 defendants in criminal municipal courts. "I know the clients we refer will get exceptional representation," says Dennis A. Kaufman, executive director of Legal Services of Central New York, a Syracuse-based nonprofit law firm that provides free legal services to low-income residents. "The professors in the clinics are excellent teachers and lawyers, and the clinics and the students are of a professional caliber."

James K. Weeks, who directs the Criminal Law Clinic, believes strongly in teaching law students prac-



Student attorneys in the Criminal Law Clinic await their cases in Syracuse City Court.



Professor James K. Weeks supervises student attorneys during their courtroom appearances.

tical skills and treats his clinical students as though they are junior partners in a law firm. “I tell my students that this is the only course from which you can be fired,” he says. The tough stance is important, especially considering that the students represent defendants whose livelihood, reputation, and freedom are at stake. “The clinic allowed me to make my own decisions, but at the same time taught me that those decisions have real consequences,” says student attorney Kara Krause G’03. “You can’t forget that you are dealing with people’s lives. It’s very easy to get caught up in the case and forget that simple thing.”

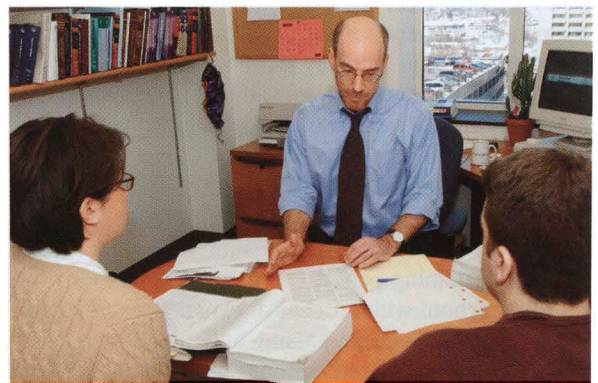
Dean Arterian believes that allowing students to experience the human side of lawyering may be one of the program’s greatest educational values. “Classroom experience, no matter how rigorous and stimulating, is disembodied,” she says. “The human element of the clinic demonstrates to students that the ‘skill set’ is not simply a checklist.” Clients bring outside financial worries, family problems, and cultural and ethical issues to legal cases. For instance, as a PILF student, Laura McNally represented a man who believed he had problems with his workers’ compensation benefits because his physician had illegally disclosed the man’s HIV status to his employer. “Winning the case didn’t make him whole,” McNally says. “I learned that the legal system can’t solve all of the clients’ problems. You want to do everything for them, but you can’t.” In the end, she referred the man to social service agencies that could provide the counseling and financial resources he needed.

Law students often are surprised by the emotional investment they’ll make as attorneys. “That investment is part of the learning process,” says Professor Suzette Melendez, director of the Children’s Rights and Family Law Clinic. “Understanding clients on a human level enhances the students’ representation and sometimes

challenges their belief systems, forcing them to think in different ways.” Last semester, Marie LaVanier G’03, a student attorney in the Community Development Law Clinic, removed herself from a case after learning from her client that he wanted to open a business that promoted a racist agenda. “Every client deserves equal representation,” LaVanier says. “I didn’t think I could meet my ethical duty to set aside my personal feelings and represent this man fairly.”

Whatever the legal problem, students and faculty review each case, weighing the claim’s merits and considering whether the clinic has the resources to handle it. Office of Clinical Legal Education director Kanter says the members of each clinic discuss the educational value, the potential cost, and the client’s need for legal services on every case before accepting or rejecting it. Although students sometimes disagree about the case’s legal merit or what legal issues they should focus on, the process is always educational. “We often get into heated debates because there are eight people with different personalities in the room,” says PILF student attorney Stephen Allen. “But it’s good experience for what we’ll encounter in a law firm.”

Some clients at first feel apprehensive about being represented by student attorneys, but most are grateful for the attention and time the students invest in



Professor Robert Nassau meets with two student attorneys to review their work for the Low Income Taxpayer Clinic.

their cases. Third-year law student Kara LaSorsa G'03 knows she greatly improved the life of a client she represented last year in the Children's Rights and Family Law Clinic. According to the social services department, LaSorsa's client, a female Cambodian refugee who spoke little English, owed more than \$35,000 in back payments for child support. Due to some miscalculations, the department garnished her wages as a factory worker so much that her pay stubs often read zero or a dollar and change. "This made it virtually impossible for her to pay rent and buy groceries," LaSorsa says. "She refused to go on public assistance. She said she came to this country to work." LaSorsa and fellow clinical students convinced the judges of the state Supreme Court, Appellate Division, to order the family court to reopen the case and recalculate the payments. The woman now owes less than \$2,000, which she is paying in smaller installments. "Because of the clinical students' work on this case, the client has greater financial security as well as a greater respect for the legal system," Kanter says.

From Courtrooms to Communities

The majority of clients who seek assistance from the clinics have already been charged with violating the law in some way, or have suffered an injustice. But some, like those represented by the Community Development Law Clinic, seek legal assistance in hopes of establishing programs to prevent such problems by building stronger neighborhoods. These organizations usually need help filing for tax exemptions, applying for grants, drafting bylaws, and complying with real estate, business, and tax laws. "Many organizations we represent have energetic volunteers with great ideas and concrete ways to implement those ideas, but they lack legal representation," says CDLC director Kenn. "We provide the means for them to overcome that obstacle."

The clinics also serve as a means to empower such disenfranchised populations as immigrants and poor community members. "I hope PILF will not only represent these communities on legal issues, but also help them organize and think of ways in which they can affect policies themselves," says PILF director Yau-Smith. Dean Arterian would like to see the clinical program continue expanding its transactional law services and encourage low-income people to open new businesses. "We could go into depressed neighborhoods and assist people struggling to make their ideas work," Arterian says. "If students can provide these legal services through a clinical experience, they will see the opportunity to do such pro bono work after graduation."

As graduation approaches and law clinic students begin to search for employment, they find that their practical experience gives them an edge. Despite a tight job market, Rusher says she succeeded in securing her prosecutor job last year because of her clinical background. "As I progressed through three rounds of interviews, each interviewer asked questions about my clinical experience," Rusher says. "It made the interview process a breeze because I felt so strongly about the benefits of the clinical program."

Clinical faculty members say that once these students are employed, they bring another important quality to their work: dedication to public service. "The clinical experience makes them more sensitive to the need that's out there," says Professor Robert Nassau, director of the Low Income Taxpayer Clinic. "Because the students have seen the difference they can make, they will be more likely to devote some time to pro bono work." For example, Craig Conway G'03 says his experience in the taxpayer clinic will encourage him to do more pro bono tax work when he begins practicing law as a solo practitioner in Mississippi this summer. "It will be an easy transition for me to accept tax cases," Conway says. "Before my clinical experience, contacting the IRS would have been much more intimidating. Now, I have experience negotiating with various tax agencies and feel comfortable representing my clients before the IRS."

The clinical faculty members are proud of the young attorneys that come out of SU's program, and they are dedicated to preparing future attorneys grounded in the clinics' philosophy of quality representation for people in need. "Clinical legal education is the most important part of law school," Kanter says. "It allows students to apply the knowledge they learn in classrooms to the problems of people who need assistance. What better way to learn to become a competent and caring lawyer?"



Professor Suzette Melendez heads the Children's Rights and Family Law Clinic.

Clinics for the Community

The College of Law's Office of Clinical Legal Education houses the following five on-campus clinics:

Criminal Law Clinic—SU's oldest clinic that annually represents more than 150 clients who have been charged with misdemeanors or violations in local municipal courts.

Community Development Law Clinic—A transactional law clinic that provides legal services to community and neighborhood not-for-profit organizations to improve living conditions and the quality of life for low-income people.

Children's Rights and Family Law Clinic—A program that advocates on behalf of children and their families in state and federal courts, in administrative hearings, and through community education.

Public Interest Law Firm—A law reform clinic that represents clients involved in a wide range of civil rights matters in state and federal courts, before legislative bodies, and in the community.

Low Income Taxpayer Clinic—A year-old clinic funded by a federal grant to represent financially eligible clients who have legal problems with the Internal Revenue Service.