Making News Through More than Four Decades of Community Service

Fall Edition 2011 - No. 1

C A C V I C T O R I O U S
on Sibling Association Rights

SEC and CVS Caremark Host Early Childhood Health Fairs

I n a recent case, the Child Advocacy Clinic (CAC) challenged whether siblings in foster care maintain the right to have contact with one another, even if their parental rights have been severed and they are adopted by different families. At the termination of parental rights proceeding, the trial judge found that there were important sibling bonds, but did not believe he had the authority to order that contact continue post-adoption. The CAC appealed and initially lost. N.J. Div. of Youth and Family Servs. v. N.J. and D.R., 412 N.J. Super. 357 (App. Div., 2010).

In October 2010, the NJ Supreme Court granted the CAC certification and summarily remanded the matter to the Appellate Division to issue a new decision, in light of a recent state Supreme Court decision holding that when parental rights are terminated, a hearing must occur to determine if children will be harmed if their contact with each other ends following adoption. New Jersey Div. of Youth & Family Servs. v. N.J. and D.R., 204 N.J. 36 (2010). In that case, In re D.C. and D.C., 203 N.J. 545 (2010), the CAC served as amicus curiae and was represented by (and collaborated with) the Public Interest Center of the Lowenstein Sandler law firm.

The Appellate Division subsequently requested briefing on the import of In re D.C. and D.C., and on February 10, 2011, it reversed its unfavorable March 2010 decision and remanded the matter to the trial court for an evidentiary hearing as to whether the three children, even if some were adopted, would be harmed if denied visitation with each other. New Jersey Div. of Youth & Family Servs. v. N.J. and D.R., 2011 N.J. Super. Unpub. LEXIS 309 (App.Div., Feb. 10, 2011). While this most recent decision is unpublished, it, along with In Re D.C. and D.C., establishes a critically important precedent: Before any foster children of a sibling group are adopted, the court now must hold a hearing to assess whether the children will be harmed if there are no protections in place to ensure that the sibling relationship is maintained.

The Special Education Clinic (SEC), with the generous support of CVS Caremark Charitable Trust, hosted Early Childhood Health Fairs in Passaic and Vineland, New Jersey in April 2011. The health fairs aimed to improve community members’ knowledge of early childhood development and awareness of and access to available resources, focusing particularly on young children with disabilities and their families.

The Clinic partnered with the City of Passaic Mayor Dr. Alex D. Blanco, the Passaic Division of Health, the YMCA of Cumberland County, and the South Jersey Medical Center for the events. More than 700 children and families attended. Rutgers Law and Social Work students and faculty (and some family members), Montclair State University Child Advocacy students and faculty, and local Boy Scouts volunteered at the fairs, staffing information tables for the adults and health-related crafts and activity tables for the children.

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Federal Tax Clinic Worksto Shape IRS "Innocent Spouse" Tax Policy

The Federal Tax Clinic (FTC) represents many victims of domestic violence by claiming the "innocent spouse" defense in federal income tax cases. This work has revealed significant inefficiency and discrimination in Internal Revenue Service (IRS) policy and practice. To remedy these problems, FTC faculty and students are drafting a recommendation for systemic advocacy change for submission to the Office of the National Taxpayer Advocate. Specifically, the FTC will recommend creation of an "innocent spouse" unit within the IRS and a change in the procedures the IRS uses to notify abusive spouses (or ex-spouses) of the opportunity to participate in "innocent spouse" proceedings initiated by the abused spouse.

An "innocent spouse" can seek release from liability on a jointly filed federal income tax return when the other spouse omits income or takes erroneous deductions. Prior to 1998, if one spouse (usually the ex-wife) filed an innocent spouse claim, the non-petitioning spouse had no notice of the proceeding. This resulted in the granting of innocent spouse status without providing the non-petitioning spouse an opportunity to challenge the claim's veracity. To remedy this, Tax Court rules were amended to require notice of the right to intervene. In an attempt to protect domestic violence victims, the IRS instituted "protections" that purport to provide privacy protection for petitioning spouses through issuance of protective orders. However, while a protective order may require redaction of identifying information, it does not protect the petitioner once a Tax Court petition is filed. The non-petitioning spouse still receives notice of his opportunity to intervene in the proceedings, and, although the IRS claims that it does not reveal the petitioner's address, the address appears on the Certificate of Service ultimately filed with the court.

This practice is problematic for victims of domestic violence, many of whom are low-income immigrants and fear their former spouses. Because the non-petitioning spouse receives notice of both the filing of the Tax Court petition and of the time and place of the Tax Court hearing, a number of fearful FTC clients have decided not to initiate claims or to withdraw claims already filed. Recently, one deserving client withdrew her claim because she feared her ex-husband would kill her outside the courthouse.

A domestic violence victim may have "constructive" or even "actual" knowledge of her husband's actions, but if fear of retribution prevents her from confronting the spouse, she may have a defense to the "knowledge" factor required in innocent spouse cases. A victim of physical, emotional, or economic abuse, therefore, has a strong case for consideration as an innocent spouse. Ironically, this is the very type of client who may choose to withdraw her claim.

Through the creation of an administrative process within the current innocent spouse unit, it may be possible to resolve cases involving domestic violence victims at an earlier stage so that they do not have to go to Tax Court and face the disclosure problems that follow. The FTC's proposal will include mechanisms to protect those claimants who end up in Tax Court so that the IRS can protect the filing spouse without discriminating against the petitioning spouse. Clinic Director Sandy Freund aims to finalize and submit the proposal in the Fall 2011 semester.

ULC Develops Inter-Disciplinary Advocacy Model For Youth In Custody

In October 2010, when Urban Legal Clinic (ULC) law student Jessica Rivern '11 and social work student Frank Barszcz '12 first met their client, F, he was 16 years old and incarcerated in a secure facility for juvenile offenders. He was there as the result of a long history of involvement in the State's juvenile justice system and after having been discharged from two residential drug treatment programs.

F was a handsome young man with a broad smile that he used, according to Barszcz, "like a salesman's tool of persuasion. The smile was more for Jessica than it was for me but I could tell there was something about this kid that you just could not help but like."

The inter-disciplinary student team was assigned to represent F through the New Jersey Juvenile Indigent Defense Action Network (JIDAN), a joint initiative of the ULC, the Children's Justice Clinic at Rutgers Law School-Camden, and the New Jersey Office of the Public Defender. JIDAN is funded by the John D. and Catherine T. MacArthur Foundation and is part of Models for Change, the foundation's multi-year national juvenile justice reform. New Jersey was one of four states selected by the foundation to participate in the network in 2009 after a competitive national application process.

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Con Lit Clinic Files Appeal in Voting Rights Case

The Con Lit Clinic filed an appeal in July in its lawsuit challenging paperless computerized voting machines. The case was the first of its kind in the nation, and has been replicated in four other states. The clinic has argued, with the help of the world's top computer security experts, that computerized voting machines easily can be hacked. Experts were able to hack New Jersey's voting machines in under seven minutes, where they installed an undetectable computer program that could steal votes for perpetuity.

The Clinic also was instrumental in getting legislation passed in New Jersey that requires all voting machines to be auditable, and to produce a voter verified paper ballot. Unfortunately, the state has ignored the legislation.

After two trials, the Superior Court of New Jersey issued a ruling that acknowledged that computerized voting systems are vulnerable. The court did not however, issue the relief requested by the plaintiffs--specifically, the decommissioning of all vulnerable voting machines. The court ordered the state to take remedial measures to safeguard the voting machines, and retained jurisdiction over the case to ensure that the state took appropriate safety precautions. The state has missed multiple deadlines. The court signed a final order and judgment on June 6, 2011, two years after the end of the last trial. The Clinic appealed in July.

Clinical Professor Penny Venetis, who developed the case and has been handling it for six years, is hopeful the clinic will succeed on appeal and that safer voting machines will be in place by the 2012 election. "This case has been considered by the Appellate Division twice already. Each time, we have been victorious," Venetis said. "The right to vote is the most fundamental of all our civil liberties. We hope that the Appellate Division will acknowledge that the only appropriate remedy in this case is to replace the vulnerable voting machines with ones that can be checked and double checked to make sure that they are not stealing votes."

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Advocacy Model

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JIDAN aims to improve access to and the quality of legal representation for youth involved in the juvenile justice system. In New Jersey, once a young person is committed to the long-term custody of the juvenile justice system, he or she no longer has a right to legal representation to monitor conditions of confinement, ensure that the client is receiving appropriate educational or rehabilitative services, or help the client prepare for release. JIDAN closes this gap by having the two law school clinics provide post-sentencing representation to juvenile Public Defender clients.

With the assistance of Clinical Professor Jennifer Rosen Valverde, who also holds a Master Degree in social work, the ULC has developed an inter-disciplinary approach to this crucial advocacy. Law and social work students work under the guidance of Clinical Professor Laura Cohen to ensure the safety and well-being of their clients. Like F, children in custody often present with a constellation of previously unmet needs, including mental health, medical, educational, and other therapeutic concerns. Many have suffered previous abuse and severe trauma and have been involved in the foster care, mental health, and special education systems.

Thus, while Jessica worked to ensure that F received the legal protection to which he is constitutionally entitled, Frank helped F and his family assess their situation from a social work perspective so that they felt more engaged and better able to participate in F’s legal representation. Despite these somewhat different roles, social work students in the law school's clinical program are part of the defense team and bound by the same ethical rules of confidentiality.

Frank and Jessica met with F several times during his incarceration and worked with him and his family to develop his aftercare plan. Through their efforts, counseling services were put into place immediately and F quickly was placed in an appropriate school. Without the ULC's involvement, it is unlikely that F would have received this vital assistance.

Health Fairs

Continued - from page 1

More than 20 service programs were represented at each fair, including health professionals, social services providers, police and fire departments, educators, and legal services organizations. Attendees received health screenings, car seat safety checks, and information on a wide array of health, safety, legal, and educational issues and services.

To ensure that participants did not leave the fairs empty-handed, the SEC obtained numerous donations of books, crafts supplies, and healthy snack items from a variety of companies, organizations and individuals. Donors included local CVS stores, the Hamstra Charitable Foundation, Random House Publishing, Me & Mi Publishing, Bridge of Books Foundation, ShopRite, Costco, BJ’s, Cumberland County Bar Foundation, Passaic County Bar Foundation, NJ Law Librarian’s Association, and faculty and staff at Rutgers School of Law-Newark and Special Education Clinic alumni.

Additional photos from the Health Fairs can be found at: http://www.law.newark.rutgers.edu/clinics/partnership-cvs-brings-early-childhood-health-information-hundreds-families

Con Lit Clinic

Hosts Visiting Scholar and Fellow

Michelle Mulder has joined the Con Lit Clinic as a Visiting Scholar and Fellow for the 2011-12 academic year. Michelle has more than 10 years of experience working for U.S. Congressman Rush Holt, during which she focused on election reform matters, including developing legislation requiring that all voting machines be independently auditable (through the use of paper ballots), a requirement adopted by a majority of states. She also handled issues related to civil rights, financial services, and agricultural policy. In the Con Lit Clinic, Michelle will work on voting rights cases and policy papers in preparation for the 2012 presidential election.

Pictured L-r: Carolyn Chaudry '11, Jennifer Rosen Valverde, three CVS-Passaic staff, Esther Canty-Barnes and Julie Bennett (MSW '12)
ike most states and the federal government, New Jersey grants preferential tax treatment to charitable organizations. When the Community Law Clinic (CLC) began working with the League, a Newark-based youth services organization, it discovered oversights in the New Jersey tax exemption statutes that required redress.

Although the CLC primarily handles transactional matters, at times a transactional case can proceed to litigation. Therefore, when the League brought an action against the City of Newark seeking a refund of taxes paid in 2009 on property it acquired in the same year, CLC students found themselves before the New Jersey Tax Court.

The League had been granted a property tax exemption from 2010 forward but the 2009 property tax status was uncertain. The League's situation revealed a gap in New Jersey’s tax statutes. When an indisputably tax-exempt organization acquires property from a non-exempt company, the first year is not exempt from property taxes. In contrast, the League acquired its property from an exempt organization, meaning that the prior owners had no tax liability for 2009 and, therefore, the League also was exempt. However, the City relied on a different section of the tax statute, which suggests that, in order for the exemption to continue uninterrupted, the League must have been a prior owner of different tax exempt property.

Asserting that this interpretation of the statute was contrary to legislative intent, which was to continue an exemption without interruption when property was being transferred from one exempt owner to another, the CLC filed a motion for summary judgment in New Jersey Tax Court, which was argued by Nicole Barna ’11 last May. The decision is pending, but students' work on the case allowed them to experience first-hand the inherent flaws in legislative drafting and a taste of litigation.

The New Jersey Supreme Court will hear the Rutgers University appeal concerning the status of the law school's clinics in the fall of 2011. The Court granted certification in Sussex Commons Associates v. Rutgers University, on appeal from the Appellate Division, which held that the Environmental Law Clinic was a public entity subject to the requirements of the State's Open Public Records Act (OPRA).

The Constitutional Litigation Clinic prepared an amicus brief on behalf of the clinical programs at the Newark and Camden law schools. That brief argues that the Appellate Division opinion conflicted with a 1989 opinion of the Supreme Court involving the status of law school clinicians under the State Conflict of Interest Law. That decision, In the Matter of the Appearance of Rutgers Attorneys, held that the law school's clinical lawyers were not state actors when they represented clients before state administrative agencies. The Conflict of Interest Law forbade state employees from representing clients before such agencies.

In the earlier case, the State Supreme Court ruled that "the fact that there is State involvement in education should never be a disadvantage."

Amicus briefs siding with the law school have been filed by the Association of American Law Schools, the Clinical Legal Education Association, and the American Association of University Professors.
Q and A with: Esther Canty-Barnes

Professor Canty-Barnes represents indigent parents and caregivers of disabled children in need of educational services; teaches law students in this specialized area of the law; and provides educational programs for parents/caregivers, attorneys, court personnel, case managers, and others responsible for the welfare of disabled children. She has broadened the Special Education Clinic’s community outreach by coordinating workshops, roundtable discussions and trainings, and sought ways in which to develop partnerships and linkages within the community to serve the needs of disabled children.

Professor Canty-Barnes serves on the Supreme Court Committee on Women in the Courts, where she chairs the Subcommittee on Women of Color; and on the NJ Court Improvement Committee, where she provides input regarding the educational needs of children in foster care. More recently, the Association of Black Women Lawyers of New Jersey and the AALS Clinical Legal Education Association recognized her for her advocacy of children with special needs. She is a former president of the Association of Black Women Lawyers of New Jersey, a former barrister of the William Heckel Criminal Litigation Inn of Court, and a former presiding municipal court judge for the Township of Irvington.

1. **You have been Director of the SEC for over a decade now. What have been the primary areas of focus for the SEC’s work?**

   Our primary mission is to educate law students and to advocate on behalf of children with disabilities. We expose law students to diverse opportunities that expand the concept of advocacy beyond traditional legal representation. In addition to providing direct legal representation and educating parents about their rights, we train professionals who work with or on behalf of court-involved children, serve as amici on important cases, develop and collaborate on policy and program initiatives that impact the families we represent, and serve as a resource at the local and State levels.

2. **You have obtained significant grants for innovative projects in the SEC such as the Court Improvement Project and CVS Health Fair. Can you describe these projects?**

   The NJ Children in Court Improvement grant allowed us to develop a training manual and provide training on the Special Education and Early Intervention systems to every New Jersey family court vicinage. We trained judges, law guardians, deputy attorneys general, child welfare case workers, Court Appointed Special Advocates and other stakeholders involved in the delinquency and child welfare systems on addressing the educational and developmental needs of children with disabilities. The Clinic also developed a Resource Guide for children with disabilities and their caregivers, and continues to consult on many cases where cross-systems educational advocacy is needed.

   The CVS grant allowed us to build on our community outreach efforts by coordinating two early childhood health fairs in communities historically underserved by the NJ Early Intervention Program (See Health Fair, infra page 1).

3. **One of your potential future initiatives is a project focused on the impact of race in the special education system. Could you briefly describe your observations of this problem and what you hope to accomplish through your proposal?**

   Poverty and race adversely affect the education of children of color. Young males of color disproportionally are misidentified as having a disability and/or more often are classified as having an emotional disturbance as opposed to other disabling conditions. Low educational expectations and inappropriate educational programs and services for this population often result in high dropout rates, leaving young males of color unprepared for the future. I plan to research the root causes of these problems and develop ways to overcome these obstacles to improve educational outcomes for this population.

4. **You have been an active participant in the national clinical legal education community since winning the AALS Shanara Gilbert Outstanding Emerging Clinician Award and then being elected to the board of the Clinical Legal Education Association (CLEA). What has been the nature of your most recent work in the national clinical community?**

   I have been interested in the intersection of race and gender throughout my career. For example, I initiated and coordinated the first look at the intersection of race and gender in the NJ Courts, which resulted in the study entitled "Perceptions of Race and Gender Bias in the NJ Courts" (2009). As a CLEA board member, I have built on this interest by working to improve diversity on the CLEA board and collaborating with other committees on improving diversity in the recruitment and retention of law students and in clinical legal education.
CAC Establishes Precedent in Third Circuit Children’s SSI Case

The Child Advocacy Clinic (CAC), in S.T. v. Commissioner of Social Security, 625 F.3d 798, 801 (3d Cir. 2010), created important federal administrative law procedural precedent when SSI cases are remanded from federal court back to an administrative law judge for a new hearing. The CAC’s case began with the agency denying the client’s application for benefits, finding that her claim for disability based on a severe seizure disorder did not meet its specific criteria for such conditions. Unfortunately, the Administrative Law Judge (ALJ) who presided over the hearing failed to supply adequate reasoning for her decision.

The CAC appealed and a U.S. District Court Judge found that the ALJ had not adequately explained the bases for denying benefits. The District Court Judge, however, issued an extremely narrow procedural remand order, requiring that the ALJ merely add a few sentences explaining the decision. Rather than wait for the new ALJ decision, the CAC appealed to the U.S. Court of Appeals for the Third Circuit. While the appeal was pending, the ALJ, without providing advance notice to the claimant or the CAC, issued a new decision that simply added a few lines of reasoning and again denied the claim.

After rejecting a jurisdictional challenge to the claimant’s appeal of an arguably non-final District Court order, and following oral argument before the Third Circuit by CAC Director Randi Mandelbaum, the Court of Appeals issued a decision finding that the District Court’s exceedingly narrow remand order was an "abuse of discretion." 625 F.3d at 800. Citing administrative law precedents underscoring the requirement that administrative agency decisions include sufficient articulation and reasoning to permit meaningful judicial review, the court explained that a remand order must not result in "a formulaic process," but rather must "ensure that the parties have an opportunity to be heard on the remanded issue and prevent post hoc rationalization by administrative law judges." 625 F.3d at 801.

According to Associate Dean for Clinical Programs Jon Dubin, "This ruling has significance far beyond its facts and posture. It has established an important procedural principle of first impression applicable to all social security cases . . . ."

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SEC Prevails for Adult Student

The Special Education Clinic (SEC) obtained a five-year compensatory education settlement for a now 22-year old client with severe learning and language disabilities. This is on top of two years of compensatory services the student, C, received during the negotiations process.

C was 19 when he sought the SEC’s assistance in 2009. Despite years of special education services, C’s reading, math and language skills fell at a first grade level. Since an Individualized Education Program (IEP) meeting requested by the SEC failed to resolve the situation, Clinical Law Student Jessika Lusk ’10 drafted and filed a due process petition covering the district’s failure to provide C with an appropriate education for 13 years. Two unsuccessful mediations followed.

At the first hearing, the parties agreed to toll the statute of limitations to try to negotiate a settlement. The district also agreed pay for independent evaluations and to provide C with intensive, individualized instruction. Meetings followed, during which C’s progress was monitored and the SEC helped C obtain assistive technology services and vocational support.

Marci Kutschman ’11 assumed the case in Fall 2010. C had just received his high school diploma and wanted to continue his education. Marci researched vocational programs that could build on his automotive interests and meet his learning needs. C was accepted into one such program and the district agreed to pay for one semester and continue providing daily reading tutoring. C took two courses in Spring 2011. He received a B and a C – a remarkable achievement for a young man who, two years earlier, could not read beyond a first grade level.

In July 2011, the parties entered into a settlement. The district agreed to pay for C to complete the automotive technology program, including transportation and associated fees, and provide supportive services, and C waived his right to sue for more compensatory education. The settlement was entered into a Court Order in August 2011. ☐
On May 20, 2011, Katrice Howell received an Associate's Degree from Essex County College in Newark, marking her success with an emphatic, "I did it!"

Katrice, a former Special Education Clinic (SEC) client, was found eligible for special education and related services at the age of three, due to severe developmental delays as well as emotional and behavioral issues. Her challenging educational needs resulted in placement in over 15 different schools and programs over the course of her education. When Katrice's mother no longer felt able to compel the school district to provide her daughter with appropriate educational services, she sought the SEC's assistance.

Clinical law students drafted and filed a due process complaint seeking compensatory education to make up for the years during which Katrice did not receive appropriate education and related services. Recognizing its failings, the district ultimately chose to settle the case rather than litigate. The settlement provided for several years of compensatory education beyond the age of 21, as well as placement in a residential program that offered academic instruction, independent living skills, and vocational and transition services.

In addition to legal representation, clinical law student Maisha Everhart '04 helped Katrice to understand her rights and the options available after high school graduation and to communicate her needs to the district, her mother, and the SEC. On her own, Katrice obtained bus passes to community events and negotiated with the district to pay for her bowling league registration fee. These successes empowered her to seek out other community resources. By the time the SEC ended its representation, Katrice was able to navigate the public transportation system, express herself at meetings, and coordinate social and community activities with some support. "I appreciate all the help from the Clinic," says Katrice. "It gave me great success."

After high school, Katrice maintained ties with the SEC and enrolled in community college. While she faced many challenges in college, with the support of many caring adults, Katrice was able to accomplish goals that too often her non-disabled peers never attain, graduating from high school and obtaining an advanced degree. □

In July 2011, the Child Advocacy Clinic (CAC) launched www.njyouth4youth.org, a website by and for system-involved youth. Funded by the New Jersey State Bar Foundation, the website, which originated in New Jersey's Office of the Child Advocate (OCA), found a new home when OCA disbanded last year. Development of the website has provided a wonderful opportunity for CAC students and staff to collaborate with youth around the State on its design, format, and content.

The website offers youth a place to share with, as well as learn from, peers and professionals through writing, artwork, and other media, and to find information and resources on topics from housing to safe dating. In the "Ask a Professional" section, youth can submit questions to professionals from different disciplines (e.g., law or social work). The "Peer to Peer" section enables youth to ask each other questions and seek advice.

Recently, youth from the Bergen County Youth Advisory posted information about their petition to the State to provide luggage to all child welfare-involved youth so that they do not have to move from place to place with their belongings in garbage bags. Youth from Monmouth County are working on an article about housing options for those aging out of foster care and creating a survey on what youth would like to see in transitional housing programs. CAC faculty also have met with staff from the Essex County Transitional Program and the Juvenile Justice Commission (JJC) to incorporate the work of JJC-involved youth on the website. □
Anjum Gupta has been appointed as Assistant Professor of Law on the tenure-track faculty. Professor Gupta will serve as Director of a new immigration clinic, in addition to teaching non-clinical courses, including Professional Responsibility and a course on refugee and humanitarian issues in immigration law.

Professor Gupta received her J.D. from Yale and has several years of clinical teaching experience; most recently, she was Assistant Professor of Law and Director of the Immigrant Rights Clinic at the University of Baltimore School of Law. She previously served as a clinical teaching fellow in the immigration clinics at Georgetown Law and Seton Hall University School of Law, and as a law clerk to the Hon. Chester J. Straub in the Second Circuit Court of Appeals. Professor Gupta also has extensive litigation experience, having litigated cases before the immigration courts, the Board of Immigration Appeals, the U.S. Courts of Appeals, and in the U.S. Supreme Court. She writes in the area of immigration law, and her most recent article was published in the Georgetown Immigration Law Journal.

Professor Gupta plans to launch the new immigration clinic in the Spring 2012 semester. Students will represent low-income immigrants seeking various forms of relief from removal, including asylum; protection for victims of human trafficking; protection for battered immigrants; protection for victims of certain types of crimes; protection for abused, abandoned, or neglected immigrant children; and cancellation of removal.

In addition to handling live client cases, the clinic will engage in advocacy and policy projects that focus on various issues of concern to immigrants, such as immigration detention, due process concerns, access to counsel, family reunification, consequences of criminal convictions, law enforcement issues, and substantive legal issues. The final products of the projects will vary and may include toolkits for practitioners, research reports, white papers for legal services organizations, amicus briefs, or pro se materials for litigants.

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Clinical Program Welcomes Professor Anjum Gupta

Urban Legal Clinic (ULC) students ceded counsel table to young people incarcerated at the Essex County Juvenile Detention Center for the annual Law Day mock trial program. Although middle and high school students throughout the county have long participated in this court system-sponsored initiative, the ULC first brought it to the Detention Center in 2009. The enthusiasm and dedication of the youth are infectious, making the event a highlight of the clinic's year.

Prior to the trial, ULC students created the simulation materials, which involved a criminal assault and harassment complaint brought by one teen against another. They also designed and presented two workshops to introduce the mock trial participants to the court process and the substantive issues of the case. They then spent two days coaching the trial teams, helping them hone direct and cross-examinations, prepare opening statements and closing arguments, and learn the subtle art of objections.

Hon. Anthony J. Frasca of the Essex County Special Remand Court presided over the trial, which was held in the facility's gym with the entire population of youth in the audience. Young people played the lawyers, client, witnesses, jury and bailiff roles. Detention Center staff provided suits for the trial participants, and the audience burst into applause whenever one of the "attorneys" made a compelling point on cross or a successful objection. Ultimately, the "defendant" was acquitted, but every participant, including the law students, left the courtroom a winner.

ULC Students Give Youth Their Day in Court
2010-2011

Noteworthy Presentations

Esther Canty-Barnes and Randi Mandelbaum served as panelists at the AALS annual mid-year Conference on Clinical Legal Education in Seattle, Washington, presenting on "The Context(s) of Disability." (June 2011)

Ronald Chen was a panelist for "Eminent Domain: Jurisprudence in New York" at the Fordham Urban Law Journal program, "Taking New York: The Opportunities, Challenges, and Dangers Posed by the Use of Eminent Domain in New York." (February 2011)


Jon Dubin presented on a panel on "Fostering Intellectual Space for Clinical Colleagues" at a plenary session at the AALS mid-year, Biennial Law Clinic Directors Workshop in Seattle, Washington (June 2011) and presented on "Developments and Trends in Social Security Case Law in the Circuits and Supreme Court 2010-2011" at the National Spring Conference on Social Security Disability Law of the National Organization of Social Security Claimants’ Representatives, held in Baltimore, MD. (May 2011)

Sandy Freund presented at the New York County Lawyers’ Association conference on family issues affecting federal income tax and moderated a panel on “Identity Theft in Tax Cases” at the ABA Tax Conference in Washington, D.C. (January 2011)

Steve Gold presented on "Toxicogenomics and Molecular Epidemiology" at the Annual Convention of the American Association for Justice. (July 2011)

Jonathan Hyman served as the lead trainer at the N.J. Association of Professional Mediators’ Civil Mediation Training Program. (March & April 2011)

Randi Mandelbaum, with Nana Wilson, Clinical Law Fellow, presented on "Successful Aging Out" at the 2011 Children in Court Summit in Princeton, NJ (May 2, 2011) and was the keynote speaker at the Youth Development Forum at the Bloustein School of Planning and Public Policy, Rutgers University in New Brunswick, NJ (April 29, 2011)

Professor Mandelbaum’s considerable accomplishments and includes endowed research funding to support continued scholarship and related work. Professor Mandelbaum's work on sibling association and visitation issues (See article titled, CAC Wins Twice in NJ Supreme Court, infra page 7) demonstrates an aspect of the synergy of theory and practice that is one of the hallmarks of clinical teaching and one of the most hoped for by-products of Rutgers’ new clinical tenure track. Forthcoming in the New Mexico Law Review will be her latest article, titled Delicate Balances: Assessing the Needs and Rights of Siblings in Foster Care to Maintain Their Relationships Post-Adoption, 41 New Mexico Law Review 1 (2011). The article evolved from her litigation work but, at the same time, the litigation was enhanced by the extensive research Professor Mandelbaum conducted as part of her scholarship.

Professor Mandelbaum Named Sheppard Scholar

Randi Mandelbaum, Child Advocacy Clinic (CAC) Director and former co-chairperson of the AALS Clinical Section, was awarded Rutgers Law School's version of clinical tenure after receiving a unanimous faculty recommendation. She will be named the Annamay Sheppard Scholar in honor of Professor Emerita Annamay Sheppard, who was the founding Associate Director of Newark's first legal services program in 1966, the founder of the Rutgers Urban Legal Clinic in 1970, the first woman to teach in a Rutgers Clinic, and the first primarily clinical professor at Rutgers to receive tenure. The "Scholar" designation recognizes

2010-2011 Awards

Jennifer Rosen Valverde served as a panelist on "Case Advocacy Strategies to Improve Students' School Outcomes" at the 14th ABA National Conference on Children and the Law (July 2011) and on "Integrating Educational Advocacy into Child Welfare Practice" at American University College of Law's conference, "Keeping the Needs of Students with Disabilities on the Agenda: Current Issues in Special Education Advocacy" in Washington, D.C. (February 2011)

Edna Y. Baugh, Assistant Director for Clinic Administration, received the Jeffrey C. Green Board Leadership Award for her many years of dedicated service as a member of the Board of Trustees of Essex-Newark Legal Services. (November 2010)
2010-2011 Publications

Esther Canty-Barnes, Child Find, in SPECIAL EDUCATION ADVOCACY (RUTH COLKER AND JULIE K. WATERSTONE, EDS., MATTHEW BENDER/LEXIS 2011)


Randi Mandelbaum, Delicate Balances: Assessing the Needs and Rights of Siblings in Foster Care to Maintain Their Relationships Post-Adoption, 41 N. MEX. L. REV. 1 (forthcoming 2011)


Jennifer N. Rosen Valverde, Early Intervention Services, in SPECIAL EDUCATION ADVOCACY (RUTH COLKER AND JULIE K. WATERSTONE, EDS., MATTHEW BENDER/LEXIS 2011)


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JESSICA M. RIVERA '11

Jessica Rivera decided to go to law school because "I wanted to change people's lives ... and I choose Rutgers School of Law - Newark because of its renowned clinical program." She spent her third year in the Urban Legal Clinic serving indigent people struggling to navigate the complexities of the legal system. Among them were juvenile clients, who did not have access to legal representation after the adjudication and sentencing stages, and who often were being denied a proper education and critically needed medical and mental health services. Of her clinical experience, Jessica states, "Particularly rewarding was the opportunity to work with the distinguished clinical faculty, who tirelessly devote themselves to their clients and dare their students to push past the odds. My work in the clinic proved to be not only self-rewarding, but beneficial to those served." She will clerk for the Honorable Frances McGrogan in Bergen County family court.

TARAUN TICE '11

In law school, Taraun M. Tice held numerous leadership positions with student organizations and volunteered for various community service initiatives. However, Taraun credits her participation in the Special Education Clinic as the highlight of her law school experience. After three semesters in the clinic, Taraun states, "because of my clinical education, I developed both written and oral advocacy skills, built a foundation for fact investigation and legal strategizing, and developed a knowledge base for a unique field of law. More importantly, I found fulfillment in working with special needs children, which, in turn, affirmed my commitment to practice law." Taraun plans to practice special education law in addition to other fields of child advocacy.

Taraun was honored as the Porzio Bromberg & Newman P.C. Public Interest Fellow in 2009. She also was awarded the Garden State Bar Association's Scholarship in 2010 and the New Jersey Bar Association's Street Law Award in 2011. She received her J.D. in May and will clerk for Judge Charles W. Dortch, Jr., in Camden.