ADVOCACY FOR CHILDREN

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A visit with some alumni of Columbia's Child Advocacy Clinic who have kept up their interest in children and the law.

The Child Advocacy Clinic has since 1983 allowed Columbia law students to learn first-hand about the complexities of the laws affecting children. Each semester, the Family Court of New York has appointed the Columbia Clinic to represent children in about twelve new foster care proceedings.

The students work very closely with the Clinic faculty—usually two supervising lawyers and one social worker—as they handle the cases. The clinic also accepts two social work interns each year, who work alongside the law students in determining the approach to take with each client. This interdisciplinary method allows the student lawyers to learn how to work with other professionals.

More often than not, students continue to follow up on their cases after the semester is over, and many of these lawyers maintain their interest in this area long after they graduate.

"When the clinic started, I hoped that some students would become child advocates," says Jane Spinak, Clinical Professor of Law, who has taught the Clinic from the beginning. "And some do. Before we started, there would be one Columbia graduate who went to work in the Juvenile Rights Division of the Legal Aid Society; now we have at least one every year.

"But what I didn't expect is the number of graduates who have gone on to other careers yet maintain their interest in children. If they are in law firms, they choose to do pro bono work, and they choose to do it with children. Many have been available to represent cases for us. I often run into former students at Family Court when they are there representing a child, a parent, or a grandparent in a foster care case.

"We wanted to teach them about lawyering, and we do," Spinak says. "But they also learned about a system and a set of problems that they now care about."

Here are some of the alumni we spoke with, all of them engaged either full time or pro bono on advocacy for children.

Michelle Cortese '84 Juvenile Rights Division Legal Aid Society

For someone who spends almost every day in Family Court representing children in foster care, neglect and abuse cases, and other matters, Michelle Cortese insists that being a good trial lawyer is far from the most valuable skill she has.

"Collaborating with other professionals, which I first learned at the Clinic, is today the most important thing I do," Cortese says. Some of her most successful efforts come from working with other professionals, tapping into their expertise, and negotiating for their clients in the "overwhelmed bureaucracies" that serve children in New York City.

"The Child Advocacy Clinic's interdisciplinary approaches to problems that seemed at first purely legal helped me to appre- ciate that there is a whole informal order that really affects kids; the case I worked on involved a teenage girl whom we had to navigate through the public entitlement programs of the city. We knew what the law said, but seeing how that gets played out can be quite another matter. You can present a law till you're blue in the face, but unless you can negotiate for your client with that other person, nothing happens."

"In law school, you can get the impression that being a lawyer means preparing for exams, and refining intellectual concepts. At the clinic, we learned to think about real cases, and about the long-term ramifications of the situation for our clients; where would they be two years down the line?"

"We got used to seeing the tradeoffs," Cortese says. "It is difficult to forge a position where everyone's needs are taken care of; somebody always loses. The faculty were very good at helping us to see that; we would come up with ideas, and Jane Spinak would say, 'OK, but what is the downside?' We learned how to recognize our own biases and emotions, and hoard them up with the biases of other people. That was very valuable for me."

Barbara Woodhouse '83 Assistant Professor of Law University of Pennsylvania School of Law

When Barbara Woodhouse started teaching law a few years ago, she could have taught in one of several areas.

"I chose to teach family law and child protection law; intellectually, that is very real and satisfying to me. I credit my experience at the Clinic with a lot of that," Woodhouse says.

This term, Woodhouse offered a new course called "Child, Parent and State."

"It is a traditional law course, but a lot of it grows directly out of my experience at Columbia's Clinic. I try to put some "clinical" elements into all my classes—doing simulations, or bringing in doctors, social workers, and other professionals. In the new course, I focus on a broad national view of family policy, looking at constitutional cases on the state's interaction with the family, going through child abuse and neglect issues, and ending up with a case study—simulation and having students do oral advocacy before a panel of experts."

When she was in Law School, she was warned by friends not to take the clinic, Woodhouse says.

"They told me I couldn't do the clinic and be on Law Review the same year; I said, 'Just watch me.' They said the clinic might look bad on my resume; well, it didn't look bad to Justice O'Connor when she chose me for a clerkship."

Audrey Roth Friedman & Kaplan

"For me, the Child Advocacy Clinic was the most valuable experience at Law School," Audrey Roth says.

"It showed me what practicing law is like, beyond child advocacy; it just went to the heart of what it means to be a lawyer. It gave me a sense of the human side of the law; as a corporate lawyer now, I think having that is invaluable."

While working as a corporate lawyer full time, Roth has continued to do pro bono work with children. She is now working on a case to terminate the parental rights of an incarcerated father. She has also worked on appeals for the Legal Aid Society as a law guardian.

"I can't stress enough how strongly I believe a clinic should be mandatory in Law School, no
Jeff Gracer '85

Children's Rights Project
American Civil Liberties Union

Jeff Gracer knew he wanted to be a public interest lawyer well before he enrolled in the Child Advocacy Clinic. Though he liked his work at Berle, Kass & Case, the environmental law firm he joined when he graduated from Columbia, he eagerly accepted when a job opened at the ACLU Children's Rights Project in 1982.

He is now doing class action litigation for children in foster care, and challenging the "pervasively inadequate" system of foster care systems across the country.

"We are doing litigation targeted at changing these systems," Gracer says. "We really look at the human angle, at what the kids experience."

The lawsuits address the state's responsibilities under the federal Adoption Assistance and Child Welfare Act of 1980, and focus on three issues. What the state or city is doing to keep children out of foster care; the quality of the care children receive in foster care systems; and the efforts made to move children out of foster care back to their families or into permanent adoptive homes.

"These systems are not by and large open to public scrutiny," Gracer says. "They are not high on the list of priorities of elected officials. Kids don't vote. One of our objectives is to hold officials accountable for the decisions. The human cost of mismanagement of these programs is really huge."

Lori Landow '87

Milgrim, Thomajan & Lee

Lori Landow took the clinic during the first semester of her second year, and stayed with it for four semesters—two as a student, two as a teaching assistant.

"They trained us to deal with clients, to deal with clients who were children. Landow says. "I got confidence in my abilities in a way that I never had before."

"The facility were wonderful—teachers, mentors, advisers. For me, they provided a core. In a large law school, some people really thrive with that personal attention, within what most people agree is a consuming experience."

"Also, working as a TA was a wonderful experience. Jane Spinak helped me to learn to share what I know with others; that was invaluable, for many things I have done since, especially in supervising associates."

"The Child Advocacy network continues; I am friends with many people who went into child care law. I have continued with pro bono work through the clinic and elsewhere."

She is now working on a case representing a grandmother trying to secure custody of her 5-year old granddaughter. The child was a witness to the murder of her mother by her father. Having got her parental rights terminated, Landow is now trying to secure custody for the grandmother.

"This work gives us a chance to give something back," Landow says.

Marcia Sells '84

Chadbourne & Parke

After law School, Marcia Sells spent five years in the Brooklyn DA's office; most of that time, she was prosecuting child sex abuse and other domestic violence cases involving children. This was "pre-Steinberg," Sells says. "Here we were doing this work, doing it for minority children mostly, and nobody paid any attention. Almost no resources were put into it, even though I think the DA was generally supportive of what we were doing. We had five people in the most crowded office you can imagine. I was often working with inexperienced attorneys, and we always had huge case loads."

Last year, Sells moved into private practice at Chadbourne & Parke, where she is working in corporate law. But she has maintained her interest in protecting children: under Chadbourne & Parke's pro bono program, she serves on New York Governor Cuomo's Task Force on Rape and Sexual Assault. She is working to get the state to adopt federal standards on the use of child testimony in abuse cases, current state laws, which consider many children "unanswerable" mean that most complaints cannot be tried.

"The Clinic focused me on these issues," Sells says. "It made me realize the complexity of issues facing children."

"What struck me at the time and still does, was that we law students were providing some of the best legal help these kids could get. So much of it was luck; did the judge happen to think of the Clinic and refer the case? But all of these children deserve good lawyers."

Nancy Rosenblum '87

Homeless Families Rights Program
Legal Aid Society

Nancy Rosenblum is a staff attorney in the Civil Division of Legal Aid, targeting her efforts to help New York's homeless families.

"I do two types of cases: first, I represent individual families, mostly helping them get housing or welfare benefits to which they are entitled, but aren't getting."

"Second, I file class action suits on behalf of homeless families with children, such as litigation that challenges the indifferent conditions of the emergency shelter provided by the City."

"I knew before I enrolled in the Clinic that I wanted to be in public interest law, in poverty law. After the Clinic, it was clear that this was the most interesting to me; now I have the chance to work with individual clients and families, but we all get to pursue larger cases that address system-wide problems."

A NEW DIRECTION FOR THE CHILD ADVOCACY CLINIC

The Child Advocacy Clinic Faculty: Philip Grety, Mary Banakh, and Jane Spinak

Despite the success of the Child Advocacy Clinic, or perhaps because of that success, the Clinic is now shifting away from representing children in Family Court proceedings to a new area of activity.

"When the Clinic started, the students were performing a service nobody else was offering," says Jane Spinak, Clinical Professor of Law, and one of the Clinic's faculty members.

"Since then—indeed, part, I think, because of the Clinic—other attorneys and pro bono groups are taking on these cases, and those assigned are better prepared. The bar has just gotten more active in this area."

"We are planning to shift our focus away from helping children in foster care proceedings to emphasize preventive services—housing homeworker services, day care—state funded programs that help families stay together and meet the need for foster care," says Philip Gent, Associate Clinical Professor of Law.

"We think that preventive services is really the cutting edge of child welfare issues today," Pink says. The State of New York has had laws to provide these services for 11 years, but few families know about what they are entitled to under those laws.

"It will be different, because now some of our clients will be parents, or whole families, not just children," she says. "It will be a more inclusive kind of representation—one that unites interests of the parents and the child."

The new clinic will have two aims. The first is community education. We have to let service providers in community agencies know what is out there for their clients, and inform the clients themselves," says Mary Banakh, the Director of Social Services.

The second aim is to provide legal advocacy for these families. "The advocacy part of the Clinic will involve the students representing families, children, or parents, at administrative hearings held by the state Department of Social Services," Gent says. "This gets to families at an earlier point. If more people were aware of the services there would be pressure on the city to increase and improve services to these families because they are desperate."

"The Clinic has always been interdisciplinary, and the new direction will enhance that aspect of the experience," Banakh says. "Students can help be influenced by the presence of other professionals—social workers, doctors, psychiatrists. As lawyers, they learn where their expertise lies, to see when they can make a contribution and when another kind of expertise is called for."
