



# Clinical Education at Northwestern University School of Law



## Bluhm Legal Clinic

*Leadership in Education, Justice,  
and Legal Reform*

*“We helped our client, a small business owner, sort through a laundry list of legal issues such as licensing, trademarks, employee relations, patents, contracts, and privacy. We put his mind to rest on issues that had been nagging at him. Often providing peace of mind can be just as important as more active legal work.”*

*—Jeff Ellis, class of 2005*



*Professor Thomas F. Geraghty  
(Photo by Jim Ziv)*

*“Often in law school we read cases to analyze them in an abstract and hypothetical way. Yet, as I sat next to one of our clinic clients during his court hearings, I realized I was sitting next to a man only a few years older than me, who had spent the last decade of his life wrongfully behind bars. The reality of it is overwhelming, but it is also the reason I spent my last four semesters working for the Center on Wrongful Convictions.”*

*—Jacquie Johnson, class of 2005*

# From the Clinic Director

The clinical program at Northwestern is one of the most diverse and comprehensive among the country's law schools and is consistently ranked among the top 10. We lead the way in teaching the law in action, giving students strong litigation and negotiation skills and direct experience with representing clients and reforming laws and legal institutions.

Clinical education at Northwestern dates back to the Law School's beginnings. An innovative program that Dean John Henry Wigmore developed in 1910 with the Chicago Legal Aid Society evolved into the Legal Clinic, which opened its doors in 1969 with only two staff attorneys. Today, in the Bluhm Legal Clinic, more than 20 clinical professors combine classroom instruction with hands-on experience for more than 120 students who take clinical courses each year.

The innovative simulation-based curriculum of our Bartlit Center for Trial Strategy, which consistently ranks among the top trial advocacy and dispute resolution programs in the country, gives students the skills they need to negotiate and communicate effectively, solve problems, prepare briefs, examine witnesses, present evidence, and argue cases. Students also gain real-world training working in public interest organizations, businesses, judges' chambers, and criminal and defense law offices through our extensive externship program.

In addition, students work with clinical faculty and staff to represent clients as well as challenge the fairness of our legal institutions and propose solutions for reform. Some of the clinic's centers are nationally recognized for their direct involvement in legal reform:

- *The Children and Family Justice Center is a local and national leader in juvenile court reform and in issues and initiatives affecting children and families in crisis.*
- *The Center for International Human Rights conducts academic and practical work in support of international human rights, democracy, and the rule of law.*
- *The Center on Wrongful Convictions pushes the criminal justice system to take claims of innocence seriously and create awareness about systemic shortcomings in the system.*

While others are recognized as innovative leaders and models for similar clinics being established across the country:

- *The Small Business Opportunity Center, one of the first of its kind, provides inexpensive legal services to entrepreneurs and nonprofit organizations.*
- *The Investor Protection Center, the first in the Midwest, provides assistance to investors with limited income or small dollar claims who are unable to obtain legal representation.*

The Bluhm Legal Clinic is flourishing and ever adapting to the needs of our students, the legal community, and the general public. As we move forward, assistant director Steve Drizin and I intend to build on a solid 30-year foundation to strengthen our already excellent centers and programs.

*Thomas F. Geraghty  
Associate Dean of Clinical Education  
Director, Bluhm Legal Clinic  
Professor of Law*

# Trial Strategy and Simulation-Based Teaching

*Today's complex, competitive legal and business worlds require lawyers to possess communication, presentation, and teamwork skills above and beyond the traditional legal analysis and reasoning skills taught at every good law school. The simulation aspect of clinical education at Northwestern Law is designed to prepare students for all aspects of the litigation process, from brief writing to delivery of opening and closing arguments.*

## **Fred Bartlit Center for Trial Strategy**

The Fred Bartlit Center for Trial Strategy focuses on changes in the craft rather than on changes in the law. Faculty members conduct research and teach groundbreaking and technologically advanced trial strategy. Combining faculty lectures and demonstrations with student “on-your-feet” exercises, courses and programs cover the ins and outs of each stage of litigation: discovery, case management, and trial. Students focus on high-tech courtroom presentations, preparing arguments, and witness examinations.

## **Program on Advocacy and Professionalism**

The Bartlit Center's Program on Advocacy and Professionalism students take courses on evidence, trial advocacy, and ethics simultaneously. The unique combination of courses reinforces the notion that skilled advocates must possess substantive knowledge, technical skills, and high ethical standards.

Professors Steven Lubet and Robert P. Burns, nationally renowned legal ethics experts, lead a team of experienced practitioners and judges who make up the adjunct faculty. Students learn the skills of pretrial investigation, interviewing, counseling, discovery, and motion practice. They also learn trial skills such as examining witnesses, introducing evidence, presenting and challenging expert witness testimony, delivering opening statements and closing arguments, and selecting juries.

In trial practice courses students simulate a state court bench trial and a federal district court jury trial. Law and business students work together in a business litigation course and create “legal departments” or role-play clients and client representatives. In the legal ethics course, students participate in simulated trial exercises that explore professional responsibility. Several students defend and prosecute mock cases against attorneys, while others act as judges deliberating on the case and presenting opinions.

## Program on Civil Litigation

Through the Bartlit Center's Program on Civil Litigation, students litigate a wide variety of simple and complex civil cases. Led by Professor John Elson — an expert with 35 years experience teaching civil rights litigation, civil procedure, and trial practice — the program primarily emphasizes poverty law cases in which students advocate for clients at court in trials or in motions.

Students take depositions, draft written discovery, prepare and argue motions, and try cases. They regularly interview prospective clients at the Chicago Legal Assistance Foundation's Loop office and make case presentations at the foundation's case acceptance meetings. Weekly class sessions involve discussion on pre-trial litigation skills — interviewing, counseling, case planning, negotiation, discovery, and motion practice — as well as alternative strategies for litigating cases and various social and legal issues affecting the poor.

Cases handled by students and faculty in the program encompass a wide variety of legal subjects but in recent years have concentrated on the defense of public housing tenants from eviction, suits against landlords for unlawful evictions, advocacy for students denied appropriate educational services, and representation of victims of predatory lending and consumer fraud. In the past, the program has focused on the areas of prisoners' rights, the protection of clients from abusive divorce attorneys, and the representation of victims of domestic violence.



*“Mediation training has allowed me to look at conflict in a different way, namely, by recognizing that even in business-related conflicts, the underlying needs and interests typically run much deeper than the parties, stated positions, and the best resolution is one that takes these needs and interests into account.”*

*—Melissa Erber, class of 2005*



### **Program on Negotiation and Mediation**

Led by Lynn Cohn the Bartlit Center's Program on Negotiation and Mediation is designed to teach students effective negotiation and mediation theory and skills through a series of courses and workshops. Students learn that a great deal of their time as lawyers will be spent negotiating with clients and other lawyers and colleagues and that as litigators they will resolve a vast majority of cases through settlements and, increasingly, mediation.

In the Negotiation Workshop law students collaborate with Kellogg students, attorneys in the Chicago area, and students from other law schools in actual negotiation proceedings. Working in teams or one-on-one, students cover a wide range of situations, including the purchase of real estate and the settlement of lawsuits, neighborhood disputes, campus disputes, personal services contracts, intrafamily disputes, and labor disputes.

In the Mediation Process and Advocacy Workshop students focus on the process from two perspectives, that of the mediator and that of an advocate considering whether mediation is appropriate for a particular dispute. The Center for Conflict Resolution in Chicago conducts a portion of the skills training in the course, and students who successfully complete the training can become certified and conduct actual mediations on behalf of CCR. Students can also enroll in the Mediation Practicum, which combines their mediation experience with study of mediation theory.

# Client Representation and Legal Reform

*At the Bluhm Legal Clinic students learn to assess the quality of justice by representing impoverished clients. Working in teams supervised by faculty and staff attorneys, students prepare juvenile justice, domestic violence, immigration and asylum, wrongful conviction, and criminal cases. They also provide affordable legal assistance for small investors, entrepreneurs, start-ups, and not-for-profit organizations.*

*In the process, students not only fine-tune their skills as advocates but they also often effect change in the law and legal institutions. For instance, the Children and Family Justice Center has led the way in convincing courts, legislatures, and law enforcement to re-examine the methods used to take statements from juveniles. The Center on Wrongful Convictions drafted a DNA testing bill and other criminal justice reforms that are now law in Illinois and are used as models for the nation. The Center for International Human Rights' research on how the proposed Free Trade Agreement of the Americas would affect human rights has implications for the entire hemisphere. Cases and projects such as these generate excitement and commitment that extend into students' professional lives beyond law school.*

## Center on Wrongful Convictions

*“It is often said that the American criminal justice system is the greatest legal system in the world because it provides criminal defendants with extensive due process rights. But the work of the Center on Wrongful Convictions has demonstrated that these due process rights do not always protect the innocent from being wrongfully convicted and even sentenced to death. Our task going forward is to find ways to prevent wrongful convictions from happening.”*

— Steven A. Drizin, legal director, Center on Wrongful Convictions; assistant director, Bluhm Legal Clinic; clinical professor of law



The Center on Wrongful Convictions (CWC) is making an impact on the way legislators in the United States view wrongful convictions and the death penalty. Under the supervision of clinical faculty and staff attorneys, students work to identify and rectify wrongful convictions and other serious miscarriages of justice.



*“Having to confront the family of a victim was a humbling experience. I had to acknowledge and share their hurt and respect their anger. I had to let them know we were not the enemy. I came away from the experience understanding that confronting pain and administering healing is also a part of advocacy.”*

—Monica Hunt, class of 2006

The center is at the forefront of the current nationwide movement to reform the criminal justice system. Focusing its energies on convictions based on single eyewitness identifications, coerced confessions, jailhouse snitches, and accomplice testimony, faculty and students have proposed several possible reforms, including mandatory DNA testing, videotaping of confessions, and funding for the defense of indigent clients.

Individually or in teams, clinic faculty, staff, and students have worked on the cases of nine innocent men who were removed from death row in Illinois since 1987. Faculty, staff, and students working in the center also were a driving force behind Illinois Gov. George H. Ryan’s decision to suspend executions in Illinois in 2000 and his commutation of the sentences of 167 prisoners remaining on death row in 2003.

In addition to representing imprisoned clients with claims of innocence, students conduct research to identify systemic problems in the criminal justice system; develop initiatives to raise public awareness of the prevalence, causes, and social costs of wrongful convictions; and promote substantive reform of the criminal justice system. The center also provides community services to help former prisoners who have been exonerated cope with the difficult process of reintegration into free society.



## Center for International Human Rights

The Center for International Human Rights defends human dignity throughout the world while enabling students to test and refine their academic learning in real cases. Stressing a comprehensive interdisciplinary approach, the center provides policy perspectives to the United Nations, the Organization of American States, the U.S. Department of State, foreign governments, and nongovernmental organizations.

Faculty, staff, and students, as well as volunteer lawyers, visiting fellows, and interns carry out research, public and professional education, technical assistance, and advocacy of pressing international issues. The center also now offers students an opportunity to earn an LLM in human rights. The degree program is designed for students from transitional democracies and for those with career interests in international human rights law.

Over the years faculty and staff working in the center have addressed, among other matters, the role of the International Criminal Court, international terrorism, U.S. death penalty laws, truth commissions, economic rights, NATO's humanitarian intervention, and political asylum cases. Students have investigated cases and had summer internships in Guatemala, Indonesia, and at the U.N. Human Rights Centre in Geneva.

Each year the center organizes seminars, lectures, and conferences for lawyers and the public on topics ranging from reparations for Holocaust survivors to the human rights responsibilities of multinational corporations. The center plays a vital role in the Law School's expanding international program, which previously had concentrated on private international law.



### Children and Family Justice Center

*“We found that we could not represent children in court without telling their complete stories. By doing this, we show the courts and school administrators and community groups the whole child. A child should not be defined by the one act he or she did in a 30-second period.”*

— Bernardine Dohrn, founder and director, Children and Family Justice Center; clinical associate professor of law

The Children and Family Justice Center (CFJC) is one of the most comprehensive clinical law programs and child advocacy projects in the country. Bridging legal systems, agencies, and categories that classify, criminalize, and label children, the CFJC provides legal assistance for the whole spectrum of child, adolescent, and family needs. It is an interdisciplinary training center for law and social work students, lawyers, and scholars. Eight clinical faculty members supervise students who are engaged in the daily legal representation of juveniles and families in courts.

Serving as a catalyst for reform of the Juvenile Court of Cook County (the world’s first juvenile court), the CFJC has worked to improve the administration of justice for children by educating judges and court personnel. The center promotes realistic strategies to improve the quality of life for children and families in crisis.

CFJC faculty, staff, and students have questioned whether children can understand Miranda warnings and have urged that interrogations of children be videotaped. They have created a Children’s Pro Bono Project with attorneys from 12 area law firms and developed Community Panels for Youth, a program that helps young nonviolent offenders take responsibility for their actions while remaining in the community and avoiding the courts and detention.

## Small Business Opportunity Center

*“Businesses that contact us get good legal advice for almost nothing. We help a great variety of people, and they’re so grateful. The students and I enjoy the human interest side of the assignments as much as the legal side.”*

— Thomas Morsch, Hochberg Family Director, Small Business Opportunity Center; clinical professor of law

The Small Business Opportunity Center (SBOC) grew out of the initiative of several students who approached Dean David Van Zandt about starting a business-oriented clinical program at the Law School. The center is one of the first programs in the United States to provide intensive hands-on training for law and business students who want to be transactional lawyers or executives of startup companies. It is a model for similar programs being developed in law schools across the country.

Essential to the SBOC’s operation is the Law School’s close relationship with the Kellogg School of Management. The two schools offer a joint JD-MBA that is perhaps the best integrated program of its kind in the country and is the only one that can be completed in three years.

Under the supervision of clinical faculty and staff, law and business students work together in the SBOC to represent small startup companies, entrepreneurs, and nonprofit organizations involved in economic development. They provide clients with affordable legal advice on matters such as incorporation, trademark registration, copyright protection, zoning requirements, and commercial licenses. The program now includes the seminar

Entrepreneurship Law and Practice, the course Financing the Entrepreneurial Venture, and a corporate counsel practica.

The SBOC’s current roster of about 60 clients runs the gamut from the “mom-and-pop” type (a coffee shop, a van service, music lessons) to high-tech e-commerce enterprises. Although its principal purpose is to train students for leadership positions in law and business, the SBOC also provides a valuable service to the community by helping many nonprofit organizations and other clients who could not afford legal assistance.





## Investor Protection Center

*“The need for an investor protection clinic in the Chicago area — a major financial center, with large exchanges and numerous brokerages houses — could not be more apparent. Our center ensures that an increasing numbers of investors have access to fair and efficient methods for resolving securities transactions disputes.”*

— J. Samuel Tenenbaum, director, Investor Protection Center; clinical assistant professor of law

The Investor Protection Center, funded by a grant from the NASD Investor Education Foundation, is one of fewer than 10 such centers in the country and the first among law schools in the Midwest. Northwestern Law students and Kellogg MBA students participating in the center have opportunities to work with clients on sophisticated legal and business problems that have increased since the dramatic economic highs and lows of the 1990s and the uncertainties of a post 9/11 world.

*“In three semesters in the clinic, I have had the opportunity to do things that some first-year associates don’t get to do — I have conducted witness interviews, written and researched briefs, participated in hearings and off-site investigations. I even participated in a viewing of physical evidence in the police station.”*

— Sarah E. Thomas, class of 2006

The center provides investors with limited resources access to legal assistance in resolving securities disputes. Small investors in the Chicago area now have access to services that previously were not readily available, if available at all, in the Midwest. In addition, the center acts as a screening mechanism for regulators, including NASD and the SEC, as well as brokerage houses trying to determine legitimate claims.

Students working in the center get invaluable experience interviewing and counseling clients, explaining the arbitration and mediation process, and investigating and selecting potential arbitrators. They also conduct discovery, negotiate settlements, and participate in mediations and arbitrations.

In addition, Northwestern Law hopes to provide a model for other schools on how to establish similar clinics to handle securities cases. Faculty and students are documenting the center’s operations in order to provide a roadmap for other law schools interested in creating an investor protection clinic.

# Externships

*Northwestern Law offers a greater variety of externships and more opportunities than any other school in the country. Each year more than 230 students gain on-the-job training through externships while earning class credit. Combined with classroom work, students work 10 to 15 hours a week under the close supervision of lawyers, judges, entrepreneurs, corporate counsels, government officials, and public interest professionals.*

Students attend a weekly seminar for which they complete readings about their field, keep a journal, or write a paper linking their practice experience to theoretical questions. They bring back to the classroom valuable firsthand experience and a heightened level of confidence about appearing before judges, writing briefs or opinions, preparing cases, and working with clients. Externships are available in the following areas:

**Judicial:** Students placed as law clerks with a U.S. district court judge or magistrate work on preparing research memoranda and drafting opinions.

**Public interest:** Students working at a public interest legal organization represent clients in civil matters.

**Criminal law:** Students work with either prosecution or defense lawyers in the federal or state criminal justice system, including the U.S. State's Attorney's Office, Federal Defender's Office, Cook County State's Attorney's Office, and Cook County Public Defender's Office.

**Corporate counsel:** During the summer before their third year, students placed in general counsel offices of businesses will devote one day a week to the corporate law department. While externs can be called upon to do legal research, the goal is to become involved in the life of the law department by attending meetings, observing negotiations, and gaining an understanding of how law is practiced in a business setting.

**Entrepreneurship:** Students placed with startup companies or entrepreneurs are introduced to the legal problems that may be encountered when starting up or operating a business, such as choice of entity, venture capital arrangements, selection of name and trademark, franchise agreements and operating contracts, and licensing requirements.

**Mediation:** Students can become certified mediators and conduct mediations under faculty supervision after completing mediation skills training from the Center for Conflict Resolution.

## From the Dean



From Dean John Henry Wigmore's program with the Chicago Legal Aid Society in 1910 to today's six Bluhm Legal Clinic centers, Northwestern has a history of teaching strong litigation and negotiation skills and giving students the opportunity to represent clients in the real world and generate legal reform. The future lawyers studying at Northwestern play a vital role in continuing this noble tradition.

In 2002 a group of students approached me and the faculty about a plan for inspiring a commitment to public service in all of our students regardless of what career path they may choose. The public service strategy they designed begins with one-week, student-led service/adventure projects for admitted students during the summer before their first year. In addition, our public service director coordinates a wide variety of both law and non-law public service opportunities throughout the year. By the time they graduate, most of our students will have completed 40 hours of pro bono law or community service not related to law.

It is important that all of our graduates, regardless of what field or specialty they ultimately choose, understand the importance of contributing their time and services to the community. By graduation, Northwestern law students will have had a variety of experiences enabling them to make sound and ethical judgments and, equally important, will understand the limits of law and the ways lawyers can and must contribute beyond the boundaries of the profession.

*David E. Van Zandt*  
*Dean, Northwestern University School of Law*  
*Professor of Law*



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### **Children and Family Justice Center**

*CFJC is a holistic children's law center,  
a clinical teaching program, and a research  
and policy center.*

Bernardine Dohrn, *Director*  
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### **Center for International Human Rights**

*CIHR conducts academic and practical  
work in support of internationally  
recognized human rights, democracy, and  
the rule of law.*

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### **Center on Wrongful Convictions**

*CWC is dedicated to identifying and  
rectifying wrongful convictions and other  
serious miscarriages of justice. The center  
has three components: representation,  
research, and public education.*

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### **Small Business Opportunity Center**

*SBOC is a student-based clinical program  
providing affordable legal assistance to  
entrepreneurs, start-ups, and not-for-profit  
organizations*

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### **Investor Protection Center**

*IPC provides assistance to investors with  
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### **Fred Bartlit Center for Trial Strategy**

*The Bartlit Center teaches innovative and  
technologically advanced trial strategy.*

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