

## Clinic Achieves Success in Juvenile Justice, Child Welfare Cases

**STUDENTS IN THE CIVIL JUSTICE CLINIC (CJC)** last fall achieved a track record in St. Louis County Family Court that would be the envy of any high-end law office.

“We were successful in having a full third of the cases we took on dismissed,” says Mae Quinn, professor of law and CJC co-director. That’s seven out of 20 cases with all charges against an accused youth dropped, either by the prosecutor or the judge. The overall caseload, Quinn says, ranged from serious assault and burglary charges to minor status offenses like truancy and curfew violations.

There’s more. The most serious consequence in juvenile court is transfer of the case to adult court, where a prison sentence can be imposed on a youthful defendant. Two of the “adult certification” cases that CJC students handled resulted in dismissals.

To cap off the semester, then third-year law student Nancy Spencer, JD ’11, successfully argued before the Missouri Court of Appeals for the Eastern District of Missouri for the return of a two-year-old child from foster care to his young mother. The court delivered the unanimous decision in favor of the CJC’s client just before Christmas.

Spencer says she was thrilled by the outcome: “It was so rewarding knowing that justice had been served and all of our hard work paid off.” Spencer adds that she found the experience of arguing before the appellate court “a bit nerve-racking at first, but after I got the first couple of sentences out, all of my preparation took over and I was able to successfully argue the case.”

Clinic attorney Kathryn Pierce, who worked with a number of clinic students on the case, praises Spencer’s dedication in the oral argument. “Nancy’s ability to roll up her sleeves and get down to the work at hand helped in her oral advocacy,” Pierce says. “It was clear that Nancy was not simply reciting a memorized argument, but was instead bringing her client to life for the panel.”

Quinn’s students also have represented youth facing disciplinary action in schools, needing appropriate special education services, or being inadequately educated in alternative schools.

The youth and family advocacy mission is relatively new for the clinic. One of the law school’s oldest clinics, the CJC over the years has focused on a range of important legal issues. The recent

### RESEARCH EXCERPT

**Annette Appell**, Professor of Law and Co-Director, Civil Justice Clinic

“Controlling for Kin: Ghosts in the Postmodern Family,” *25 Wisconsin Journal of Law, Gender & Society* 74 (2010)

“The article deploys the gendered and racial history of adoption law and the lived experience of adoption’s constituents to illustrate the perils and promise of the regulation of contemporary families—particularly lesbian and gay families, stepfamilies, and families created with reproductive technologies. The article proposes a unique and perhaps controversial approach to kinship that pushes against current regulatory trends that privilege social relations at the expense of biological connections.”

change takes full advantage of the long and deep experience with youth and family law of Quinn and Annette Appell, former associate dean of clinical affairs, CJC co-director, and professor of law.

The CJC also helps meet a community need for specialized juvenile advocates in St. Louis County Family Court. Unlike many other metropolitan areas, the family court no longer has a specialized public defender’s office devoted to its docket. The CJC is now one of the few specialized law offices in the state representing children or parents in juvenile court.

**THE SUCCESS RATE** on child welfare issues is much harder to tally. Appell notes that those cases usually last longer than a semester, and the clinic represents clients until the case closes. When individual clinic students cannot see a case that they started all the way through to the finish, their faculty supervisors are there to work on the cases with subsequent rounds of students.

“Normally, child protection cases, which are highly complex and multidisciplinary, last one, two, three, four, or more years, depending on the situation of the family and the child,” Appell observes. “We become involved in these cases because they provide pedagogical opportunities and because we have the resources, expertise, and personnel to handle challenging matters. And the work itself is important to the community.”



Civil Justice Clinic co-director Annette Appell, right, and clinic attorney Kathryn Pierce discuss a youth advocacy case at the St. Louis County Family Court. Their expertise is guiding the clinic’s new direction in family advocacy.

St. Louis County Family Court Commissioner Kristine Kerr, left, meets with Professor Mae Quinn, seated right, and then Civil Justice Clinic students Alexandra Rieck, JD '11, and Michelle Parthum, JD '11, standing. Quinn, the clinic's co-director, brings a wealth of experience to the clinic's juvenile justice component.



The juvenile justice system in Missouri, Quinn contends, “really is quite broken” despite “a lot of well-meaning, well-intended, committed, compassionate people doing the best they can.” She identifies three main issues: “a lack of lawyers, a problematic systemic structure, and a juvenile code very much in need of reform.”

Quinn says one complication with the juvenile court's structure in Missouri is that the prosecutor and probation officer do not work independently, as in most states, but rather the probation officer is “the client” of the prosecutor. “The legal issues get blurred by the individual interests of probation officers,” she concludes.

Appell agrees that the position of the juvenile officer is problematic from both a separation of powers perspective and a resource perspective. She takes the long view, hoping to train a cadre of law students in best practices for the legal representation of children and parents. She pairs this with the clinic's advocacy in

an effort to help change some of the norms of practice in juvenile court. Appell also is hoping to create the conditions for specialized legal offices that would provide high-quality representation of parents and children in the counties, as well as the cities.

Recent Civil Justice Clinic student Nancy Spencer, JD '11, successfully argued a case before the Missouri Court of Appeals for the Eastern District of Missouri. Her advocacy resulted in a toddler being returned to his mother.



## RESEARCH EXCERPT

**Mae Quinn**, Professor of Law and Co-Director, Civil Justice Clinic  
 “Feminist Legal Realism,” *Harvard Journal of Law & Gender* (forthcoming)

“Beyond providing an account of one forgotten female Realist, [Judge Anna Moscovitz Kross], this article offers some thoughts about contemporary Feminist legal activities, as well as hopes for the future. It suggests that those who are currently grappling with the realities of Feminism and the law—particularly within the academy—may draw some lessons from the life and experiences of Kross, her contemporaries, and Feminist Legal Realism. Like Feminists today, in the shadows of constructed categories and lists, they too sought to establish their own agency and identities while challenging lived injustice ... [but] through activism and not just academics.”

Each semester she teaches, Quinn plans to have the clinic focus on at least one particular systemic reform issue. This past fall, law students focused on improving probable cause determinations in juvenile cases. Their efforts resulted in having one case dismissed on those grounds. In addition, Quinn says the adult certification statute makes no provision for a probable cause hearing at that stage, a fact highlighted in research the clinic has done.

**CJC STUDENTS** working on juvenile cases last fall also had to complete a public citizen lawyering project, a requirement that Quinn had initiated during her tenure at the University of Tennessee. The CJC projects supervised by Quinn and Pierce included letters challenging police stops of alternative school students as possible truants and those warning St. Louis County courts about sharing too much information with schools about their students' cases.

A further concern for the clinic is protecting the rights of youth committed to Missouri Division of Youth Services' juvenile facilities.

“Unlike other lawyers, our representation does not terminate with resolution of the court charges,” Quinn explains. “As holistic advocates, we remain on our clients' cases post-disposition and throughout state placement, if they wish.”

“Often such youth need advocates in the system to ensure that they are receiving educational and other programming to which they are entitled, as well as making sure they are being considered for community re-entry at the appropriate time,” adds Quinn, who is on the Board of Directors of the Clinical Legal Education Association.

But Quinn says state administrators are not used to such advocacy efforts, signaling that they question the right of such children to have independent legal representation while in placement. Through the clinic this fall, she and Pierce vow to advocate for their clients by “reframing the conversation about the right to counsel for young people.” III