Civil Justice Clinic Achieves Success in Juvenile Justice, Child Welfare Cases
By Kenneth J. Cooper, AB ’77

STUDENTS IN THE CIVIL JUSTICE CLINIC (CJC) this past 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, third-year law student Nancy Spencer 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 is thrilled by the outcome: “It is so rewarding knowing that justice has been served and all of our hard work has 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.”

Spencer says she appreciates the in-depth professional experience the CJC affords. “As student-attorneys, we are taught best practices in an environment that is more like a law firm than a typical law school class,” she observes. “The majority of our clients are youth who come to us expressing frustration with not having their voices heard in court and other proceedings. We help them to finally be heard.”

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 change takes full advantage of the long and deep experience with youth and family law of Quinn and Annette Appell, 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 only specialized law offices in the area 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.”

Appell, Quinn, and Pierce share a passion for serving socioeconomically disadvantaged youth and families.

“That’s why I began teaching,” Appell says. After law school, she went to work for a law firm, but took a leave of absence to represent children in neglect and abuse cases in the Cook County Juvenile Court in Chicago. “I just fell in love with the work and never returned to the firm,” she says. Instead, when her alma mater, Northwestern University Law School, created a reform-oriented child advocacy clinic, she jumped at the chance to teach there.
Quinn started law school interested in defending victims of domestic violence, but in her first clinic case, she was called upon to represent an accused batterer. That experience made her see that the line between victim and perpetrator, particularly when both are disadvantaged, can be gray. “That was one way in which I got interested in representing accused young people,” she says.

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.

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 semester 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 with 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 has been elected to 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 coming fall, she and Pierce vow to advocate for their clients by “reframing the conversation about the right to counsel for young people.”