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Child Advocacy Clinic to Open at USD School of Law

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"We must give children the same level of zealous advocacy now given to adult and corporate clients."

*-- J. Michael McWilliams
President, American Bar Assn.
August 3, 1993*

CHILD ADVOCACY CLINIC TO OPEN AT USD SCHOOL OF LAW

The Children's Advocacy Institute at the University of San Diego's School of Law has received a grant from the U.S. Department of Education to establish a Child Advocacy Clinic beginning with the Fall 1993 semester.

The new Child Advocacy Clinic, the first of its kind in Southern California, will provide law students with direct legal experience in the preparation, trial, and negotiation of cases related to dependency court proceedings.

The DOE grant, which will involve \$202,433 in the first year, is a three-year non-competitive award.

"Juvenile law is little known, little understood, and practiced too infrequently to address the needs of children effectively," said Robert C. Fellmeth, Price Professor of Public Interest Law and Executive Director of the Children's Advocacy Institute.

"We are instituting this program to raise the level of awareness of juvenile law as a legitimate field of practice and to encourage more law students to become advocates on behalf of children," Fellmeth added.

Early interest in the clinic among law students has been

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exceptionally high: most of the slots in the program's initial semester have been reserved to date.

Along with a three-unit course on "Child Rights and Remedies," students in the clinic will gain experience through field placement with CAI attorneys or with the Child Advocacy Division of the San Diego County Public Defender's Office. According to data compiled by the Child Advocacy unit, an average of approximately 7,500 minors were involved in (open) dependency cases each month in the year from August 1991 to August 1992. Of these, a disproportionate number were poor and from racial and ethnic minority groups.

"San Diego uses a state-of-the-art model in dependency court matters," said Fellmeth. "Where other jurisdictions simply presume that prosecuting attorneys and child welfare agency social workers represent the best interests of the child, this county has a highly trained attorney/social worker team on each case charged with specifically representing the child.

"It is our intent that this new program will give abused and neglected children more effective legal representation and will prepare qualified, sensitive, ethical lawyers to deal with children's concerns," he added.

For further information, please contact Fellmeth or Barbara London at (619) 260-4806.

ABA urges restructured legal system for children

BY CHARLEY ROBERTS
Daily Journal Staff Writer

WASHINGTON - An American Bar Association working group Tuesday urged lawmakers to restructure the legal system to more effectively serve children and urged lawyers to assist children before and after they enter the system.

In releasing the group's report, ABA President J. Michael McWilliams pleaded with lawyers to "give children the same level of zealous advocacy they now deliver to their adult and corporate clients," including seeking legislative and regulatory reforms.

Broader Efforts Sought

Former U.S. Circuit Judge A. Leon Higginbotham Jr., who chaired the ABA Working Group on the Unmet Legal Needs of Children and Their Families, said, "The report urges the bar to make an effort far broader than the traditional litigation model."

Reading from the 105-page report, Higginbotham said, "thousands of children and infants who need assistance never appear in the courts, nor should they. They are victims of deficiencies of the social system, for whom no lawyer can craft an adequate argument and no judge can devise an adequate decree that will aid them. They are lost in the sinking sand of poverty and powerlessness and lawyers must make an effort to extricate them from those conditions BEFORE they are

ever involved in the courts."

The report found that the legal rights of children are frequently abused or ignored. Lawyers need to offer their problem-solving skills to identify resources, cut through red tape and resolve inter-agency disputes. "We do it for adult and corporate clients every day," said the report. "Individual children need the same sort of representation."

Where the Constitution or a statute promises a child a right to counsel, the report urges steps be taken to ensure that appropriately trained counsel is appointed. Where no such promise exists, the report challenges the private bar to organize itself to ensure quality, free legal services are provided.

One way in which the latter recommendation may be met, the report said, is by forming state and regional organizations - modeled after the Lawyers Committee for Civil Rights Under Law - to recruit and train pro bono counsel.

Pro Bono 'No Substitute'

But it added, "Let's be clear: Pro bono efforts are no substitute for paid representation where children are entitled under law to representation. Such representation must be more readily available, and it must be compensated at levels that generally prevail for private attorneys in each community."

As for revamping the legal system, the report said every jurisdiction needs to establish a unified and comprehensive family court that consolidates all

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Children: ABA says volunteer

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judicial functions and court-related social services. Ideally, one judge would resolve all legal issues facing a particular family, although trained court personnel should handle those issues that do not require a judge.

As for paying for these improvements, Higginbotham said experts agree that every dollar spent on prevention will save society three to six dollars in rehabilitation and punishment costs later. Therefore, more and wiser spending of government funds is part of the solution.

"The Working Group believes the nation would be better off spending more heavily on education, job training and housing than on foster care, homeless shelters and jails," he said.

ABA calls on lawyers to aid kids

KNIGHT-RIDDER NEWS SERVICE

WASHINGTON — The nation's lawyers must volunteer their time to "reweave the social fabric" around children who need strong advocates to lift them from poverty and collapse of the family, leaders of the American Bar Association said yesterday.

"We must give children the same level of zealous advocacy now given to adult and corporate clients," said J. Michael McWilliams, president of the American Bar Association (ABA). "Our children need the same sort of commitment."

McWilliams issued his call as the ABA issued a new report, "Children at Risk: A National Agenda for Legal Action." The report, which marks a major shift in the ABA's focus, endorses calls by other advocacy groups for reform of juvenile and family courts, better education and health care, and improved child care, and makes other recommendations.

For starters, McWilliams called on each of the organization's 380,000 members to work free on behalf of kids, saying, "We live in a society that is failing its children and all but abandoning them in the time of crisis."

First lady Hillary Rodham Clinton, a lawyer who formerly headed the Children's Defense Fund, praised the report and its call for action. The Children's Defense Fund and similar groups provided information for an ABA task force.

"The organized bar has a tremendous amount of influence, and it is a delight to see it being used on behalf of children who do not usually have advocates," Clinton said.

McWilliams and others said they were prodded into action by Attorney General Janet Reno.

Since she took over the Justice Department on March 12, Reno has lectured national audiences about the need to take better care of children, arguing that money spent now on prevention — including prenatal health care, immunizations, preschool programs and the like — will pay off in savings later.

"I just want to say how proud I am of lawyers," Reno said at a joint appearance with ABA leaders.