

**THE UNIVERSITY OF MICHIGAN LAW SCHOOL
CHILD ADVOCACY LAW CLINIC**

March 30, 2007

a) Educational Goals of the Child Advocacy Law Clinic:

- (1) Train the best lawyers in America with essential lawyering skills generalizable to most other areas of law practice, including skills of interdisciplinary collaboration.
- (2) Provide special training and encouragement for those students seeking a career path in child welfare or public interest law.
- (3) Provide a foundation of practice experience from which faculty can learn and conduct scholarly research and writing in child welfare law and policy.
- (4) Meet local community needs for representation of under-served clientele -- children and parents accused of child maltreatment.
- (5) Provide service to the nation, state and community, including the bench and bar, through participation in committees and commissions and providing continuing education programs.

b) Methods:

The methods used to achieve these goals are best described in a fuller description of our course offerings in part (d). The Child Advocacy Law Clinic is one component of a broader set of offerings at the University of Michigan Law School that prepare a student who wishes a career in child and family practice or policy.

c) Pros and Cons of Michigan's approach to teaching child advocacy law.

Pro. The CALC has been terrifically successful as a clinical law program. That is, as an experience in which law students acquire and demonstrate traditional legal skills of interviewing, problem-solving, ethics, interdisciplinary collaboration, and high level trial practice skills that will be transferable to nearly any area of law. More than a few skeptics worried in the beginning that this program in "kiddie law" could not possibly be an experience for "real lawyers". But in fact our structure of having students represent children, the county child welfare agency, and parents in different counties, with interdisciplinary training, has turned out to be a terrific way to grow lawyers generally. The students leave us with a sophisticated appreciation of this area of the law which helps them to grasp the nuances presented by other legal specialties.

Pro: This focus on teaching the foundational skills of lawyering is a key, perhaps *the key*, to our strong institutional support at Michigan Law School. Our primary goal is **not** to train child advocates, but to train lawyers. We set out each semester to provide the absolute best clinical law experience available anywhere in America. (Some of you reading this may challenge me on that, and we'll accept the friendly competition.) Law faculties generally and deans in particular are not in the business of educating child advocates, but rather lawyers (or law professors). We have tried over our 30 years to meet the needs of our Law School and make the CALC educational goals coincident with the law school's generally. We think it has paid off.

Pro: Child advocate lawyers must first be good lawyers. Even this focus on foundational skills of lawyering fits a child advocacy agenda. Child advocacy is our obvious secondary goal. We want to train and encourage students who wish to pursue a child advocacy or public interest career path.

Con: The clinic is somewhat narrow in scope. We focus on child welfare. We think that what students lose in breadth they gain in depth and appreciation of the interdisciplinary and historical context.

Con: The issues covered in depth vary from semester to semester and even from law student team to law student team. Students learned a lot about Munchausen by Proxy when we handled such a case. The students this semester defending a mother accused of child maltreatment are learn much more about investigation, pretrial motions and competing expert witnesses, than their colleagues on other cases. We describe it to one another but the real learning and internalization comes from the doing. Our program is much more like a university teaching hospital. One could get a rotation in infectious diseases at a time when hardly anyone is getting sick; or vice versa. This is a cost.

Con: We could do more for those students interested in careers in child welfare. We have great resources here at Michigan for the policy-oriented child advocate that could be better coordinated with us. We should have post graduate fellowships, a Family Advocacy Center in Detroit and more opportunities to work with medicine. We are working on those initiatives.

d) Michigan Law School's Child Advocacy Program

1. Child Advocacy Law Clinic

Our is the oldest child welfare law clinical program in the nation, having begun in 1976. We just celebrated our 30th Anniversary. In the Child Advocacy Law Clinic (CALC) our students don't just learn about law, they learn to be lawyers. The CALC handles actual cases of alleged child abuse or neglect or termination of parental rights cases under law faculty supervision. Student attorneys appear in three distinct legal roles in separate Michigan counties -- for the county child welfare office, for the child, and for the parent. Teaching and case consultation is provided by psychological faculty as well as law faculty.

Students are in control of their cases, under supervision, and complete all the steps required to take a case to court, just as they will when they begin practicing after law school. The clinic provides an in-depth, interdisciplinary experience working with problems of child abuse and neglect and of children in foster care. Students work in partnerships and find that they have the true lead on their cases. Three faculty/attorneys, who are specialist in child advocacy law, supervise up to eight students each and act as advisers, but clinic students make the decisions about their cases.

With such responsibility, students are thoroughly prepared for each aspect of representing their clients, for their court experience, and for working in the field of child advocacy. The CALC program begins with a series of classes to prepare students for what will happen in court. Class sessions cover child welfare and procedure; preliminary hearing simulations; learning to interview clients, especially children; dealing with evidence; case and trial preparation, including direct and cross examination; and mock trial practices.

Cases and teams are assigned in the third week of class. From this point through the end of the semester, teams participate in case conferences. Besides the student attorneys, the conferences include the attorney/supervisors for each case, and a psychologist and a psychology student intern, who provide guidance. Depending on the needs of the case, students might also work with student colleagues from social work, pediatrics, and psychiatry

2. Children and the Law

Children and the Law examines the legal relationships among children, family and the state, primarily in the context of issues over which juvenile courts traditionally have jurisdiction. The course covers law and policy governing parental rights, child abuse and neglect, foster care, adoption, and education. Particular attention is given to the interplay and often conflicting interests of children, parents, and the State. The course examines how the substantive law divides responsibility for children between parents and the state, and considers how the balance should be drawn.

3. Children's Rights Appellate Practice

A goal of this course is to develop the student's understanding and skills in all phases of appellate advocacy. Students may work on appeals on behalf of abused, neglected and dependent children, or children whose parental rights have been terminated. Students may also work on cases that raise important questions concerning the legal rights of a child to a continuing relationship with his or her parent or a third party. Students may provide direct representation in these cases, or they may submit amicus curiae briefs for children in precedent setting child welfare cases.

4. Pediatric Clinic (Medical-Legal Collaborative)

The Pediatric Advocacy Clinic offers students the opportunity to work on poverty law issues in an innovative collaboration with health providers to provide holistic care and effective advocacy for low-income clients. Students will work in three health care settings. Casework includes, among other issues, low-income housing, domestic violence, public benefits, insurance, and consumer law. Students will primarily engage in preventive legal advocacy, focusing on identifying issues at an early stage and on developing creative, multidisciplinary, non-litigation centered approaches to addressing legal problems.

5. Juvenile Justice

A traditional juvenile justice law course focused on the law and processes affecting juveniles with an emphasis on recent scientific developments in brain research and its implications for youth justice.

6. Family Law

This course examines evolving doctrines underlying state regulation of the creation, management and dissolution of family relationships, and of related rights and obligations of the individual. Constitutional principles circumscribe the states power and role in this area. How is the meaning of family shaped and contested, and how are fundamental perceptions involving gender, religion, sexual orientation, class, etc., reinforced or challenged, by the law of family relations. Topics include procreation and parenting, birth control and abortion, marriage and divorce, the rights of children, and new reproductive technologies

7. Interdisciplinary Seminar on Child Abuse and Neglect

This graduate seminar is taught by a faculty member from law, social work and psychology. Students from each of the disciplines participate. The seminar emphasis is on testing the disciplinary conflicts and barriers that arise in child protection practice with emphasis on practice issues, not research. Through cases presented on each topic, students are challenged to explore the interdisciplinary connections and barriers in cases involving topics such as termination of parental rights, sexual abuse, physical abuse, and psychological testing. Students participate in simulated hearings and multi-disciplinary meetings, which illustrate the different roles and ethical obligations of the various disciplines. Interdisciplinary teams of students work on projects of their choice.

8. Bergstrom Child Welfare Law Summer Fellowship

Now in its 13th year, the Bergstrom Child Welfare Law Summer Fellowship is committed to inspiring the best and brightest law students to pursue careers in child welfare law. Through the fellowship, 30 selected students gain experience and insight into the field and provide much needed services to various child welfare offices specializing in representing children, parents, and social service agencies. After attending a three-day training session at the end of May at the University of Michigan Law School, Fellows spend at least ten weeks at their placements.