

# JUVENILE JUSTICE CLINIC

Apply online at: <http://apps.law.georgetown.edu/clinic-application/>

Faculty	Prof. Kristin Henning, Prof. Eduardo Ferrer, Prof. Wallace Mlyniec and Fellow Quiana Harris
What do students do	Students holistically represent youth charged with crimes in the D.C. Superior Court Delinquency Branch. Students represent their clients in pre-trial and adjudicatory proceedings, disposition hearings, appeals, education advocacy and school discipline cases.
Semester or year-long	Full Year or Fall only
Open to	3Ls (at least 53 credits). Students must undergo a criminal background check.
Prerequisite(s)	All prerequisite courses must be completed before the first day of Clinic Orientation. <ul style="list-style-type: none"> <li>• Students who entered Georgetown in their first year: All required first year courses and Evidence. Evidence may be taken at any law school.</li> <li>• Transfer Students: Legal Writing, Criminal Procedure, Evidence. These may be taken at any law school.</li> </ul>
Credits	9 for Fall only; 14 for full year (9 in Fall, 5 in Spring)
Requires Student Bar Certification	Yes
How many students	14, at least 10 of whom will enroll for the full year
Conflicts	Students may not be employed by the District of Columbia government or by the U.S. Attorney's Office for the District of Columbia while they are enrolled in this clinic
Average time	32 hours/week, on average in Fall, 20 hours/week in Spring. Students in the one-semester clinic may have to work on cases beyond the end of the first semester.
Seminar hours	Fall: Tues. & Fri. 1:20pm-3:20pm Spring: Tues. 1:20pm-3:20pm
Orientation	5-day orientation before classes begin in the Fall
Information session(s)	TBD

## THE JUVENILE JUSTICE CLINIC EXPERIENCE

The Juvenile Justice Clinic was created in 1973 to protect the rights of children in various legal settings. Today, students represent children charged with delinquency in the District of Columbia Superior Court.

Students are permitted to represent youth charged with every type of crime except murder, forcible rape, armed robbery, and first degree burglary. Currently, the majority of cases involve robbery, weapons possession, car theft, assault, drugs, and sexual assault. Students occasionally represent clients in special education or school disciplinary hearings.

Students work closely with faculty and fellows to develop the skills needed to practice law. Students individually represent clients and each student is responsible for two to four pre-trial cases per semester. Caseloads, however, are flexible. The quality of the case as a teaching tool rather than the quantity of cases determines the number of clients a student represents.

Practice in the Juvenile Branch of the D.C. Superior Court is similar to that in the adult criminal court except that only judge trials are permitted. Court rules are similar to the Federal Rules of Criminal Procedure. Students interview clients and witnesses, investigate cases, negotiate with government attorneys, research, write, and litigate motions involving the suppression of evidence and other legal issues. Students also conduct preliminary hearings, trials, pleas, and sentencing hearings.

Juvenile Justice Clinic students take complete responsibility for their cases. Part of that responsibility, however, is to make full use of the experienced fellows and faculty who ensure that while the students benefit from an extraordinary educational experience, their clients benefit from extraordinary representation. The students will be supervised by Professors Kristin Henning, Eduardo Ferrer and by Prettyman Fellow Quiana Harris.

## CLINIC GOALS

The Clinic's Mission is 1) to provide highly effective representation to clinic clients; 2) to teach law students how to think independently, to synthesize facts and legal principles, and to plan litigation strategies; 3) to develop a law student's ability to analyze the substantive law and to determine its appropriateness in a particular factual context; 4) to improve troubled adolescents' chances of becoming productive citizens; 5) to protect the rights and interests of children; and 6) to help law students understand the impact of legal systems on a community.

Although interviewing, counseling, negotiation, and trial skills are constantly stressed, the Clinic teaches more than just litigation techniques. The Clinic seeks to teach students how to exercise good judgment and to plan litigation and settlement strategies that attain a client's goals. We also seek to develop a student's ability to analyze the substantive law and to challenge or change it when it no longer serves valid societal interests. Although clients in the juvenile clinic are minors and the cases involve criminal law and procedure, the lawyering skills that students develop are transferable to the practice of law in any other context.

## INSTRUCTION

The method of instruction used in the Juvenile Justice Clinic is complex. Lectures and seminars are directly related to the students' actual case work. Through class sessions, simulations, discussion groups, and individual supervision sessions, students learn planning and problem solving methods, interviewing, counseling, investigation, negotiation, and trial skills. They also learn how to examine witnesses, research and write motions, and argue complex legal issues. Additionally, our methods move beyond the boundaries of the law school to include the study of other disciplines that impact the lives of adolescents. We do so with a belief that principles embodied in these other disciplines help students understand the relationship between lawyers and clients and the role of law in society.

Students are required to return to class one week before the start of the Fall semester to participate in a 5-day orientation program. This Fall, students will return on Monday, August 24, 2019. The orientation takes place early so that students may concentrate on clinic duties and learn the fundamentals of practice without the distractions that otherwise occur in the first week of school. After the orientation, classes meet twice a week in the Fall (Tuesday and Friday at 1:20) and once a week in the Spring (Tuesday at 1:20).

## **GENERAL INFORMATION**

### **A. Credit**

Fourteen students participate in the clinic each year and receive 14 credits for their work (9 in the Fall and 5 in the Spring). No more than four students may opt to participate in the Fall only option and will receive 9 credits for their work. Except in extraordinary circumstances, one semester students, except those who are graduating at the end of the Fall semester, must carry their pre-trial cases through to completion even if the case goes into the second semester. Please designate on the Clinic application your preference for participating in either the full year or the Fall semester program.

### **B. Time**

The clinic is demanding and time consuming. Based on the number of credits they receive, students can expect to work an average of 32 hours per week in the Fall and 20 hours per week in the Spring. Given the typical life of a case, students may actually work more or fewer hours in any given week. The consensus of our students has been, however, that anyone who is well organized can successfully combine the clinic and part-time employment or participation on a law journal. Students must arrange their class schedules so that at least one day per week (which cannot be a Tuesday) is completely free of any class (other than the Friday clinic class) or any employment responsibilities. Because a client's freedom is at stake, we expect clinic work to take precedence over most other activities in a student's life.

All students are responsible for cases over class breaks and finals, but we can usually schedule around them. Again, one semester students, except those who are graduating at the end of the Fall semester, must carry their pre-trial cases through to completion even if the case goes into the second semester. Such students will not be expected to perform any other clinic work or attend classes. Full year students are expected to work until graduation but we will be as flexible as possible consistent with our client obligations.

All students are required to attend a five-day orientation, from 9:00 a.m. to 7:00 p.m., beginning August 24. Students unable to attend all sessions of the orientation may not enroll in this clinic. Students also have a summer reading list of about 50 cases and a manual of D.C. Juvenile Court practice that must be completed before returning to school for orientation.

### **C. Investigation**

A student must learn how to investigate a case in order to become a competent attorney. Students in this clinic investigate in pairs. Given the nature of our work and the urban location of our crime scenes, investigating may present dangerous situations and carries with it a certain amount of risk. While Washington is no different than any other city in this respect, students must learn about the city's different neighborhoods and be aware of their surroundings at all times. We strongly discourage students from going to investigate alone, especially at night. Students always consult with a fellow or faculty member before investigating.

This clinic has existed for more than 45 years. Investigations have been conducted without incident in all but two of those years. Notwithstanding our training and precautions, however, a student has been

injured in the past while investigating. If you are reluctant to take on the responsibility of investigating your cases, you should enroll in another clinic.

#### **D. Conflicts of Interest**

A stringent federal conflict of interest statute prevents students who are employed by the District of Columbia government or by the U.S. Attorney's Office for the District of Columbia from participating in the Juvenile Justice Clinic.

#### **E. Duration**

Students may take the clinic for one or two semesters. Students taking the clinic in the Fall only are expected to finish their case work even if it extends into the second semester, but will not be expected to do any other clinic tasks or attend clinic classes in the carryover period. Students who take the clinic for the full year are expected to handle their cases until they graduate although arrangements can be made for students who leave Washington early. Students wishing to continue representation of their clients through the summer may make arrangements to do so.

#### **F. Other Courses**

Clinic work is demanding, the Fall learning curve is steep, and much of the work is done in the day time. Because students receive 9 credits in the Fall, we expect that most students will take at least one other class. Although we cannot control student course selections, we strongly suggest that students take no more than one three or four-hour course in addition to the clinic in the Fall semester and then take a larger course load in the Spring. Students wishing to take more than 15 credits in the Fall semester may do so only with the permission of Professor Henning if they wish to be in the clinic.

When registering for classes, students must keep one full week day, other than Tuesday, free of classes and all other obligations, including work. (Friday will suffice if the clinic class is the only other activity.)

#### **G. Background Checks**

In order to comply with Georgetown's "Protections of Minors" policy, students selected for the Juvenile Justice Clinic must undergo a background check to determine if they have committed any acts that might render them in violation of this policy. Your selection will be withdrawn if you are determined to be ineligible. It will also be used for your application to practice pursuant to the D.C. Student Practice Rule. Students who are selected must also read the University's "Working with Minors Guidelines" and certify in writing that they have done so.

#### **H. Selection Criteria/Application Process**

All students must be bar-certifiable. To be bar-certifiable, the Dean must certify that a student is competent and of good character. As such, you will be asked to answer questions about your past conduct.

Online application must be filled out completely and submitted by 12:00 pm (noon) on April 13, 2020. When filling out the on-line application, you will be asked to write a clinic-specific statement of interest that explains why you wish to enroll in the JJC and how you see the clinic fitting in with your personal values, past experiences, and future goals. **When answering, please also describe any experience you have had working or volunteering in the juvenile justice, criminal justice, or education systems, in a juvenile law or criminal law practice, or in other positions working with children or poor people. Please include the name of the organization with which you worked or volunteered, the dates of your tenure, and a description of the tasks you performed. Students without such experience are not precluded from enrolling in the clinic. The majority of students will be chosen through a lottery that is described below.**

Those students who satisfy the above criteria form the pool for selection. We will select some students who have exceptional prior experience with juvenile or criminal law and practice, or some other experience that, in the judgment of the professors, will enhance the pedagogical experience of the class as a whole. We expect that no more than half of the slots in the clinic will be filled in this way. The remaining students will be chosen by lottery.

One semester and two semester applicants go into the same lottery. If a student is chosen for a section they do not prefer (as indicated on the application), they may accept or decline the slot. If the position is declined, the student will be placed on the waiting list for the section they wanted in the first place. Any student accepting a position in this clinic may not withdraw except for extraordinary reasons.

## **TEACHING STAFF**

**Professor Kristin N. Henning** is the Director of the Juvenile Justice Clinic and Initiative and the Agnes N. Williams Research Professor of Law. She has taught full time at Georgetown since 2001. Before joining the faculty, she was the Lead Attorney for the Juvenile Unit of the Public Defender Service for the District of Columbia, where she helped organize and lead a specialized unit to meet the multi-disciplinary needs of youth in the juvenile justice system. She has been active in local, regional, and national juvenile justice reform, has consulted and trained state and federal government agencies, and currently serves on the Boards of the Mid-Atlantic Juvenile Defender Center and the Center for Children’s Law and Policy. Professor Henning is the lead author of a national training curriculum for juvenile defenders and has published a number of law review articles on race, adolescence and policing, the role of counsel in delinquency cases, confidentiality in juvenile court, victims’ rights, and other contemporary issues in the juvenile and criminal legal systems. She has also traveled to Liberia to aid in juvenile justice reform and was awarded the 2008 Shanara Gilbert Award by the Clinical Section of the Association of American Law Schools, the 2013 Robert E. Shepard Jr. Award by the National Juvenile Defender Center, and the 2015 Youth Justice Award (along with Professor Mlyniec) by the D.C. Lawyers’ for Youth for her commitment to justice on behalf of children. Professor Henning received her B.A. from Duke University, her J.D. from Yale Law School and an LLM in Advocacy from Georgetown Law.

**Eduardo Ferrer** is a Visiting Professor and the Policy Director of the Juvenile Justice Clinic and Initiative, advocating to improve the DC juvenile justice system. Eduardo is a Certified Trainer in the National Juvenile Defender Center’s Juvenile Training Immersion Program (JTIP) and conducts training for juvenile defense attorneys across the country. Additionally, Eduardo serves as the Chair of the Board of Directors of DC127 and served previously as the Chair of the Board of Trustees of The Next Step Charter School and the Chair of the Board of Directors of the Campaign for Youth Justice. Eduardo also served as the Advisory Neighborhood commissioner for Single Member District 1B10 from 2009-2010. In 2013, Eduardo was awarded the Mid-Atlantic Innocence Project’s “Defender of Innocence Award” for his work securing the release of David Boyce, an innocent man wrongfully convicted in Virginia in 1990. He also was recognized in 2008 by Legal Bisnow Magazine as a top “30 under 30” attorney in the District of Columbia. Prior to joining the Georgetown University Law Center, Eduardo was a founding member of DC Lawyers for Youth (DCLY), a DC-based action tank dedicated to making DC’s juvenile justice system the smallest and best system in the country. During his ten-year tenure at DCLY, Eduardo was chiefly responsible for carrying out the organization’s research, advocacy, and direct representation work. Eduardo also previously worked as an associate at Howrey LLP, where he worked on a variety of matters, including juvenile justice policy, immigration law, constitutional law, civil rights law, writs of habeas corpus, white-collar criminal defense, and antitrust law. Eduardo is a proud double Hoya, receiving his B.S. in Business Administration from the McDonough School of Business at Georgetown University in 2002 and his law degree from Georgetown University Law Center in 2005.

**Wallace Mlyniec** is the founding Director of Georgetown's Juvenile Justice Clinic. He served in that position from 1973 until 2015 when he stepped down and assumed the role of Senior Counsel in the clinic. Professor Mlyniec has taught traditional and practicum courses in Family Law, Juvenile Delinquency, International Agreements Protecting Children, and Wrongful Convictions in addition to his teaching duties in the Clinic. He also assists with training graduate students in the Prettyman Fellowship Program. Professor Mlyniec received his B.S. at Northwestern University and his J.D. from Georgetown University Law Center. He has spoken frequently and written numerous books and articles concerning the laws relating to children and families, and clinical education. He also writes about local history, architecture, and construction. Professor Mlyniec was awarded a Swedish Bicentennial Fellowship to study the Swedish child welfare system, has been a Lecturer at the Cariplo Foundation Law Initiative in Brescia, Italy, and a Visiting Professor in Health Law at the Loyola University Law School (Chicago) Beazley Institute for Health Law and Policy. Most recently he served as the Academic Co-Director of Georgetown's Center for Transnational Legal Studies in London. While a faculty member, he has served as a consultant to the San Jose University and University of Maryland Schools of Social Work and the ABA's National Resource Center on Child Abuse and Neglect. He is the former Chair of the ABA Committee on Juvenile Justice and former Chair of the Board of the National Juvenile Defender Center. Professor Mlyniec is the recipient of the William Pincus Award for contributions to clinical education, the Robert F. Drinan Award for contributions to public interest law, and the Gault Award for his work in juvenile advocacy.

**Quiana Harris** is a native of Rich Square, North Carolina and a graduate of Howard University School of Law where she was a member of the Howard Law Journal and served as the publication's Executive Notes and Comments Editor. Her article entitled "A Plea to Federal Judges: Combating Prosecutorial Misconduct in the Cliven Bundy Era" is published in Volume 62 of the Howard Law Journal. Quiana has clerked at various public defenders' offices and public interest organizations, including the D.C. Public Defender Service as a trial Division Law Clerk and Investigator Intern, D.C. Federal Public Defender as a Law Clerk in the office of A.J. Kramer, the Washington Lawyer's Committee as an intern for the Prisoners' Rights Project, as well as a judicial intern for the Honorable George Levi Russell III of the U.S. District Court of Maryland in Baltimore. Quiana was awarded the 2018 Washington Bar Association's Dr. J. Clay Smith, Jr. equal Justice Scholar's Award for her commitment to public service and the 2018 J. Franklyn Bourne Bar Association Scholarship for her academic achievements in law school. Quiana is an undergraduate of Winston-Salem University, where she obtained a B.A. in Political Science, concentrating in Public Administration graduating with Summa Cum Laude honors.

**2019-2020 JUVENILE JUSTICE CLINIC STUDENTS**

Michael Bongiorno

Kara Dunovant

Ida Ehrhardt

David Favre III

Ryan Gephart

James Gilmore

Carly Lenhoff

Catherine Meili

Cora Metrick-Chen

De Vann Sago

Janelle Sampana

Cristiann Tavitas

Sophie Thackray