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The full issue is available on the web at /schools/law/lawreviews/socialjustice.html.

Symposium Articles:

**Sharon L. Beckman & Paul R. Tremblay, "Foreword: The Way to Carnegie"

Two of BC's own clinical professors kindly penned the foreword to this Symposium, highlighting three aspects of clinical legal education: pedagogy, social justice, and cost. In "Foreword: The Way to Carnegie," Sharon L. Beckman, associate clinical professor of law and co-director of the Criminal Justice Clinic, and Paul R. Tremblay, clinical professor of law, explore these issues and introduce each of the symposium pieces. They address the common threads that permeate discussions on clinical legal education, including its place in the law school curriculum, how teaching social justice furthers the clinical mission, and how educators should address issues of economic concern in the wake of the recent financial crisis.

**Jane H. Aiken, "The Clinical Mission of Justice Readiness"

Law schools strive to teach students to be "practice ready," but Jane H. Aiken convincingly argues that they should also teach students to be "justice ready." In "The Clinical Mission of Justice Readiness," Aiken, professor of law and director of The Community Justice Project at Georgetown University Law Center, discusses the purpose of clinical legal education and addresses the debate between teaching skills and teaching justice. Aiken indicted the role of legal education in maintaining the status quo, impressing the need to create law students that will rise up and fight against unjust and unchanging social orders rather than accept them as a necessity. Clinical legal education, she argues, can be a vehicle for producing justice ready lawyers because it exposes students directly to a client's injustice and, using Transformative Learning Theory, guides them to a solution that creates a lasting understanding of the lawyer's true role in society.

**Margaret Martin Barry, "Practice Ready: Are We There Yet?"

Margaret Martin Barry's "Practice Ready: Are We There Yet?" squarely addresses the duty of law schools to create "practice ready" lawyers. Barry, professor of law at Catholic University's Columbus School of Law and visiting professor and associate dean for clinical and experiential programs at Vermont Law School, explains that shifts in the legal job market have pushed practical training downstream to the law schools. Employers are looking for young lawyers that can hit the ground running and Barry proposes that clinical legal education is the answer. Exploiting the strengths of both doctrinal courses and the clinic, Barry analyzes the different
options offered in law schools around the nation and proposes a new curriculum of her own, wherein classes are designed to relate doctrine to practice and the law school experience culminates in a third year spent in practice. The extended clinical offerings, she continues, could be funded in part using a fee-generating clinic, where the clinic accepts both indigent clients and those who can afford to pay for services but not at the private bar's rates.

**Phyllis Goldfarb, "Back to the Future of Clinical Legal Education"**

In "Back to the Future of Clinical Legal Education," Phyllis Goldfarb, Jacob Burns Foundation Professor of Clinical Law and associate dean for clinical affairs at The George Washington University Law School, identifies the law school's duality as both an academic department within a university and a professional school. Goldfarb points out the strengths and weaknesses inherent in this system and proposes that the way for law schools to survive in the future is to commit to teaching less about the law itself and more about what the law does and what lawyers do with the law. This can be accomplished, Goldfarb argues, by expanding the role of clinical legal education in the law school curriculum. Goldfarb translates scientific research into educational goals while showing that clinics teach students how to learn from their surroundings while also teaching fundamental lawyering skills. The social justice aspect of this learning experience, Goldfarb concludes, is fundamentally intertwined with the educational mission of law schools and should therefore be more pronounced in legal education.

**Peter A. Joy, "The Cost of Clinical Legal Education"**

Detractors of clinical legal education often decry its cost without fully understanding the clinic's benefits or the entire budgetary picture of the law school that hosts it. In "The Cost of Clinical Legal Education," Peter A. Joy, vice dean and Henry Hitchcock Professor of Law at Washington University in St. Louis School of Law, sets the record straight about the cost of clinics. Joy describes exactly how important clinical education is in creating a well-rounded lawyer while also pointing out that the majority of a law school's cost is in its faculty's salaries. The financial burdens of producing scholarship and construction projects, Joy argues, are more to blame for high costs and less helpful to students than clinical legal education.

**Praveen Kosuri, "Losing My Religion: The Place of Social Justice in Clinical Legal Education"**

Praveen Kosuri, practice associate professor of law and director of the Entrepreneurship Legal Clinic at the University of Pennsylvania Law School, dissects the bonds between social justice and legal education in "Losing My Religion: The Place of Social Justice in Clinical Legal Education." Social justice, Kosuri argues, is not a necessary component for clinical legal education. Though Kosuri stresses his personal commitment to social justice within his own clinics, he points out that the long adhered-to social justice mission actually hampers effective teaching of students who are not interested in areas of law directly related to social justice or are turned off by the politicized mission. Transactional clinics, Kosuri reckons, are just as effective in teaching lawyering skills as the traditional social-justice oriented clinics. While incorporating a social justice mission teaches an additional level of social awareness, he posits, it should be implemented at the clinical professor's discretion and not as a matter of course.

**Stephen Wizner, "Is Social Justice Still Relevant?"**

Stephen Wizner--William O. Douglas Clinical Professor Emeritus, professorial lecturer, and supervising attorney at Yale Law School--asks "Is Social Justice Still Relevant?" Wizner answers this question with a resounding yes as he traces the roots of the clinical legal education movement and his own path from being a legal services provider in New York City to clinical professor at Yale Law School. Wizner recounts how clinics evolved from merely allowing students to help provide legal services, with education as a byproduct, to a scientific pedagogy painstakingly designed to teach important aspects of lawyering with every case. The social justice mission, Wizner argues, gives the clinic a political and moral purpose, where the pursuit of social justice itself is the most important part of a student's education.
Matthew M. Cummings, "Sedating Forgotten Children: How Unnecessary Psychotropic Medication Endangers Foster Children's Rights and Health"

Matthew M. Cummings's Note, "Sedating Forgotten Children: How Unnecessary Psychotropic Medication Endangers Foster Children's Rights and Health," questions the way states administer psychotropic medication to foster children. Despite the basic constitutional and natural right to be free from dangerous, mind-altering drugs, states prescribe psychotropic medication to foster children at an alarmingly high rate. By analyzing the limitations facing state foster care systems and the potential for medication to be used as a chemical restraint, Cummings shows that these children may face continued abuse with no means of seeking justice. To protect the health and safety of foster children, Cummings advocates for national and state measures that would promote collaboration, improve record-keeping, and ensure best practices in foster care systems.

Ian Leson, "Toward Efficiency and Equity in Law Enforcement: 'Rachel's Law' and the Protection of Drug Informants"

Ian Leson's Note, "Toward Efficiency and Equity in Law Enforcement: 'Rachel's Law' and the Protection of Drug Informants," examines the police practice of "flipping" low-level drug offenders by promising leniency in exchange for aiding in other investigations. After the murder of Rachel Hoffman, a young college graduate sent on a drug-buy-gone-bad, Florida passed "Rachel's Law," a statute intended to protect the interests of those employed as informants by the police. Under pressure from law enforcement interests, however, lawmakers stripped it of many of its most powerful provisions at the last minute, including a provision that would have required police to instruct informants that they may consult an attorney before becoming an informant. Leson argues for the restoration of this provision, noting its utility for both informants and law enforcement officials. The Note explains that, by providing potential informants with greater protection, law enforcement interests can increase the likelihood that informants will choose to work with the police instead of opting for the relative certainty of conventional punishment.

Michael Meidinger, "Peeking Under the Covers: Taking a Closer Look at Prosecutorial Decision-Making Involving Queer Youth and Statutory Rape"

In his Note, "Peeking Under the Covers: Taking a Closer Look at Prosecutorial Decision-Making Involving Queer Youth and Statutory Rape," Michael Meidinger argues that queer youth should not shy away from difficult selective prosecution claims because those claims might improve the juvenile justice system for others. Meidinger first examines which teenagers are likely to be prosecuted for their sexual activity. He goes on to discuss queer youth and the maltreatment they receive, both in the legal system and in their communities. Meidinger situates this maltreatment within a discussion of historical and recurring attitudes toward homosexuals and concludes that modern queer youth are in a particularly precarious position. Ultimately, Meidinger argues that queer youth should bring selective prosecution claims when charged with sex-based crimes like statutory rape because the discovery requests needed to make them may improve the juvenile justice system by encouraging self-scrutiny within the law enforcement community.