

And JUSTICE FOR ALL

Sandra Simkins and Laura A. Cohen, professors of law at Rutgers and Rutgers alumnae, have dedicated their careers to juvenile justice reform, inspiring a generation of law students in the process. They recently received a MacArthur Foundation grant to collaborate with New Jersey's Office of the Public Defender to address defense representation for children.

By Robert S. Strauss

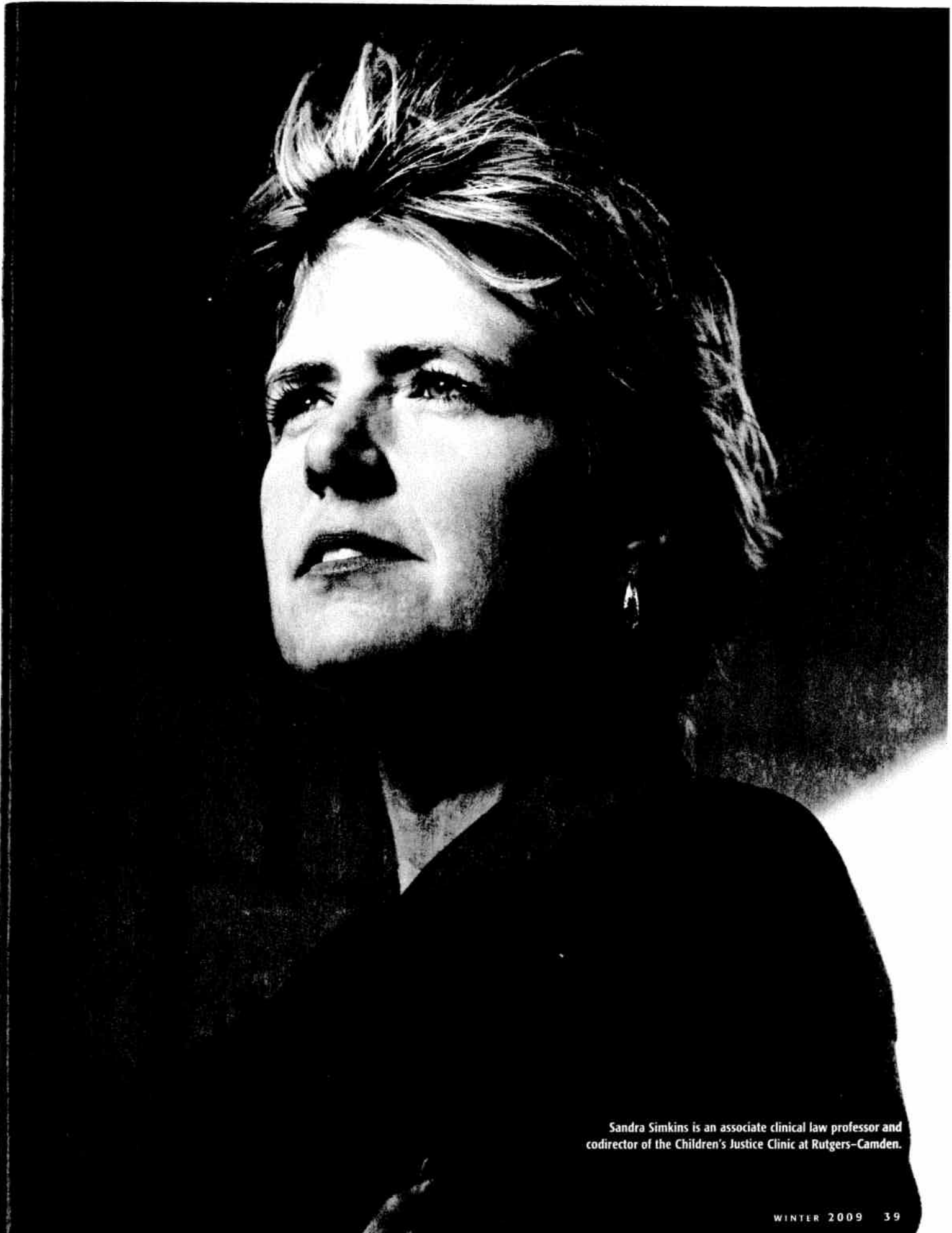
It is a typically chaotic Thursday morning on the second floor of the Camden County Hall of Justice. Plastic chairs line each side of the circuitous hallway, and all of them are filled. No one is waiting patiently. Some fidget, others moan, a few cry audibly.

This is the floor of the county's juvenile court. On other floors, the scene is calmer, where financial and political disputes are settled—important, but probably not life changing. But here on the second floor, each case is vital. Children's lives are tipped one way or the other, as if each case has a built-in gyroscope that can tilt a juvenile defendant toward a fruitful life or the danger of ensnarement in the system of corrections.

Sitting on one of the chairs is a 17-year-old girl holding her 4-month-old baby boy. She cheerfully bounces the boy in her lap as he smiles and gurgles, but the gyroscope is spinning for her, unsure of which way it will point. Hunching to talk with

her are Tina Hartley and Dan Loew, two students at Rutgers' School of Law-Camden where they participate in Professor Sandra Simkins's juvenile justice clinic, which is offered to third-year students. Loew is wiping his brow with a handkerchief, and Hartley bites her lip as she speaks. It is their first case, and it is not simply some dispute over where a fence should be. The girl's future is in question, and the two student lawyers want to tip it in the right direction.

Simkins CLAW'91 stands just far enough away to still hear what's going on. An associate clinical law professor and co-director of the Children's Justice Clinic at Rutgers-Camden,



Sandra Simkins is an associate clinical law professor and codirector of the Children's Justice Clinic at Rutgers-Camden.

she has spent her adult life as an advocate for a better juvenile justice system. She and John C. Lore, associate clinical professor and codirector, teach this third-year clinic, one of the most sought-after classes in the law school's curriculum. For their years of dedication, Simkins and Laura A. Cohen RC'83, a clinical professor of law who handles similar cases through the Urban Legal Clinic at Rutgers' School of Law-Newark and also codirects the Eric R. Neisser Public Interest Program there, recently won a John D. and Catherine T. MacArthur Foundation grant. It will help them investigate ways to effect policies as they work with the Juvenile Indigent Defense Action Network of New Jersey to help eliminate these chaotic Thursday mornings and improve the juvenile court system.

Simkins and Cohen want to imbue future lawyers with their passion to make even this imperfect system work as well as it can for juvenile defendants. Although their clinics are intense and filled with wrenching emotional situations, participating students routinely praise their clinic experience and effusively pay tribute to the professors.

"Professor Cohen is so calm and cool, and that is the presence I hoped I would have. So I gravitated toward her," says Mariella Martinez NLAW'05, who participated in the Rutgers-Newark clinic in 2005 and is now a juvenile rights attorney at the Legal Aid Society in New York City. "There is really nothing like this clinic, and the one in Camden, to inspire a young law student."

Rebecca Mainor CLAW'08, who took Simkins's clinic at Rutgers-Camden last year and is working at the Support Center for Child Advocates in Philadelphia, is similarly effusive about Simkins. "She gives you a case and throws you in," says Mainor. "As Professor Simkins says, you take this clinic to know that you can't just get what you want. You have to learn how to navigate the system, and she is brilliant at that."

Nervous as they were, law students Hartley and Loew feel prepared for their convoluted case, even if it is their first in the clinic. Their client, a senior in high school in Camden, was beaten by the baby's father, who is serving jail time for the offense. Meanwhile, the mother of the baby's father has sought, and won, some visitation rights. After that hearing, which took place a few weeks before at the same courthouse, the girl got into a shouting match with the older woman. She pushed the woman, who fell and injured herself.

"It seems like it will all turn on the extent of the injuries," Hartley says to Simkins after an initial conference with the prosecutor. "If it's something bad, he says she could face even five years of jail. That's serious."

Simkins, corralling the two law students into a doorway far from the crowded halls, peppers them with a series of questions: When will you get the medical results? Should you ask for a continuance (a postponement of the hearing)? What leeway do you have? How much cooperation are you getting? Most

important, how are you going to handle this with your client?

"There are a lot of things to be concerned about in a courtroom," says Simkins, later. "Especially with juvenile cases, attorneys have to establish a rapport, a sense of confidence, with the clients. It is not a point of law that you can teach. You have to do it for real—which is what makes the clinic so valuable."

Neither Simkins nor Cohen grew up seeing much of the juvenile justice system. Both were middle-class suburban kids, Simkins in West Windsor, New Jersey, and Cohen in Rochester, New York. Simkins went to the University of Delaware and Cohen to Rutgers. Neither had really committed herself to pursuing a legal career, much less her eventual specialty.

"I was a political science major without a plan," says Simkins, who took a year off after graduation to travel and work as a secretary in a law firm before attending Rutgers' School of Law-Camden. Cohen, an English major, was obsessed with literature. She went to law school at Columbia University for a year, then skipped out for a year on a fellowship to study poetry in Ireland.

"Maybe, I thought, I would go into some kind of literary law," says Cohen. "I could do arts management or publishing." Then she took a juvenile justice clinic, and everything changed. "I was doing it for the experience and also because I figured that I would be doing some other things for the rest of my life, so I would try something different then. It completely captivated me. I was introduced to this incredibly complex, intellectually stimulating, emotionally charged, draining, and satisfying world of representing kids. That is what I decided to do."

Simkins likewise had an epiphany in her first job—at the public defender's office in Philadelphia. "I had a charismatic boss who showed me that what passes for justice for kids is just shameful," she says. "There was nothing in my background that would have sent me this way, but I saw it firsthand and got inspired to change things."

Simkins left Philadelphia and came to Rutgers-Camden three years ago to run the clinic with Lore and to do other classes and research on juvenile justice. Cohen had a series of jobs, most prominently at the Legal Aid Society in New York City, before coming to Rutgers-Newark in 2001. In addition to the Urban Legal Clinic, she coteaches a juvenile justice course, codirects the law school's public interest program, and conducts policy research.

Rayman L. Solomon, dean of the School of Law-Camden, says the juvenile justice clinic is part of an overall university emphasis on issues surrounding children. Camden's Department of Childhood Studies, for instance, has launched a Ph.D. program in childhood studies, which he says was the

first in the nation. "This focus on children is good and right, in and of itself. But it helps support a larger effort, in literature and other disciplines, to attract graduate students here," he says. "It is really important to us to provide service outreach to the community and for the overall intellectual attraction of the campus."

Simkins and Cohen have gotten together by virtue of being codirectors of the Northeast Juvenile Defender Center, through which they received the MacArthur research grant. They will be working on it with New Jersey deputy public defender Cynthia Samuels NLAW'83. The \$100,000 grant from the MacArthur Models for Change initiative—which has invited states, local jurisdictions, and organizations interested in the issue to apply to become members of the new Juvenile Indigent Defense Action Network—will allow the two professors to coordinate policy research into how to use the courts and the judicial system more effectively to help juveniles involved in it. The professors hope this is just a start, that when their research leads to a plan, they will have more resources to effect change. And they hope some of their clinic students will be ready to take it on.

Cohen's clinic headquarters consists of a warren of cubicles on the fourth floor in the Newark law school building. In one of the cubicles, Crystal Kay busily pores over her files. A few weeks into Cohen's clinic, she already has four cases to work on—considered an easy load compared to what a public defender might have. "Here, we get more time to do our cases, to interact with the client," says Kay, who has interned with the Asian American Legal Defense and Education Fund, which she describes as the only program in New York City dealing with Asian Americans in need of nonprofit legal help. "I don't know whether I will eventually go into litigation or work for Legal Aid, but I know I wanted to do a clinic, and this is a fantastic experience. To handle so many cases shows what the system is up against."

In another cubicle, around the corner from Kay, Matt Coleman studies up on child abuse and neglect for an upcoming conference for youth in foster care, at which, supervised by Cohen, he will facilitate a working group. His emphasis may be on trying to form new public policy, but he,

too, engages in clinic work. "I enjoy the client contact. You can get it here with Professor Cohen; it is not easily found in the private sector," says Coleman. "Everyone has a different story when you do clinic work. You learn from the clients far more than in a classroom. It is invaluable for a law student, and I know I will be a better lawyer for having done it."

Cohen says the clinic goes only so far in showing law students what life would really be like in the juvenile defense world. When she was at Legal Aid, she would usually have a portfolio of 100 families, maybe as many as 500 children at risk at a time. Yet, she feels every student, no matter what his or her final intention as a lawyer, can benefit from the clinic experience.



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"There are students who came into the clinic who wanted to be prosecutors, but they wanted to get courtroom experience and wanted to get some exposure to juvenile law," Cohen says. "What I hope is that having gone through this experience, they will be more compassionate prosecutors. I am hoping they will exercise their discretion in a judicious and just way. For those who go on to the private sector, I hope that they will do pro bono work, and I really think they will. It's not about recruitment to a particular field or a particular side; it's about making sure students are honing the skills they can use to do some good in the world."

Stuart L. Deutsch, dean of the School of Law-Newark, said Cohen's clinic fits perfectly with the school's mission of practical education and community service. "Working on real

cases and guided by experienced attorneys such as Laura, students apply what they've learned from studying theory and doctrine to the reality of practice," says Deutsch. "Participation in this 'living classroom' teaches critical lawyering skills while providing legal help to hundreds of underrepresented individuals, families, businesses, and causes."

Cohen points to a case that students passed down through the clinic over several years. When he was 14, the client, identified as Eric C., was depressed over the recent death of his mother from a heart attack. Although still doing well in his Brooklyn school, he started hanging out too much on the corner. One night, two other boys convinced him



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to be a lookout during a robbery, and one of them shot and killed the store owner. Eric, faced with felony murder charges, pleaded guilty and got a sentence of seven years to life in prison.

While incarcerated, Eric earned his GED and took college courses. He also got the support of Cohen's clinic students. For four years, from 2003 to 2007, 12 of them worked to get him paroled, preparing him for hearings, finding him a psychologist, getting letters of support from friends and family, negotiating through the system. On his fourth hearing, he received his parole.

"The passion that every single one of the students put into that case was extraordinary," says Cohen. "We have a group of amazing students here who really pour their hearts and

souls into this work with clients. Nothing I could possibly teach in the classroom would substitute for something like the satisfaction we all got from that case and others we do."

In the Camden courthouse, Sarah Somerset says she feels prepared for her first clinic case. Her client is in a juvenile detention facility and got into a fight. She and her partner, Denise Maher, have negotiated an agreement with the prosecutor, and their client has accepted it. "When I was an adolescent, I had extended family who had to deal with the system," says Somerset. "It is hard to admit, but they had a good experience with it. So I felt it was necessary to see what the juvenile system was about. Denise and I feel lucky to be here, even as difficult as it may be."

Simkins and Cohen have four children between them, ages 9 through 14. They agree that their children, were they in trouble, would probably not face the problems their clinics' indigent juvenile clients have. "One of the things so evident about the juvenile justice system is the unequal treatment, based on what people look like and where they come from," says Cohen. "I know my kids would be treated much differently than somebody of the same age who lives just five miles away. My passion—and Sandra's—was always system reform. How do we make this thing work better? It is a challenge for policymakers and a challenge for lawyers, even in how they talk to their clients."

Harley and Loew decide, with Simkins's blessing, to tell their

teenage-mom client how serious her case really is, that she can actually face significant jail time because of the incident. "She has to know, so she will cooperate with you better," Simkins says to her students. "She has no doubt lived a difficult life and doesn't always trust people. That is something difficult for you, too, to learn."

Outside the courthouse—the students indeed get a continuance on the case—the girl and members of her family gather, both cheered and pensive. "They have been straight with me, which is good," the girl says as her mother and grandmother hug her and her aunt holds and coochie coos the baby boy. "I want to be straight with them, too, now. Maybe if we all are, that's the point. Maybe we learn from each other."