



Northeastern University
School of Law

Legal Skills in Social Context (LSSC) Course Overview

Prof. Susan Maze-Rothstein



Producing “Practice Ready” Students



Northeastern University
School of Law

3 Prong Experiential Educational Approach



LSSC

COOP

CLINICS



#1 in the U.S.!



Northeastern University
School of Law

- *National Jurist* and *preLaw Magazine* September 2008 named
- The School of Law
- The #1 top public interest law school in the country



Hours Produced Annually

The LSSC Social Justice
Component Projects
Produce:

Approximately **20,000 hours/**
year

Pro Bono service for **16** state
agencies & community-based
organizations



Rigor



Relationship



Reflection

The Peer Justice System

The Three R's of the
Social Justice Academy

An alternative discipline model for the

Social Justice Academy

in Hyde Park, Boston

A dual system incorporating **Restorative Justice:**

Restorative Youth Court + Healing Circle

Giving students a voice and a choice in school justice



Introduction

I was surprised that the youth today can actually have the power to change today's society. But we still haven't realized our true potential. We never have the chance to exercise our rights. If the restorative justice youth courts become a reality, it will give us, the generation of tomorrow, a chance to prove ourselves.

—Keyon Romeo, 11th grader, SJA



The Peer Justice System

Intake Board includes administrators and student's staff mentor

Intake Board decides whether to send the student through the Healing Circle or the Restorative Youth Court

Healing Circle

“Interpersonal Breach”

For incidents where the impacted party is identified and wishes to participate in the justice process

Examples:

Disrespect, gossiping, theft, fighting

Restorative Youth Court

“Community Breach”

For incidents where the impacted party is unidentified, or the incident affected the community at large (e.g. rule-breaking)

Examples:

Vandalism, inappropriate clothing, truancy, disruptive behavior, fighting



Peer Justice System - Circles

- Healing Circle Steps
 - Planning Circle in Law & Justice Class
 - Convening the Healing Circle
 - Introductions, guidelines and trust-building
 - Discussion of issues caused by the incident
 - Building consensus and development of the remedy agreement
 - Positive closing
 - Follow-up
- Additional Uses for Circles in the Community



The Benefits of Circles at SJA

- Give the student body voice and agency
- Repair harm rather than punish
- Build community & empower all SJA members
- Foster active participation in school community
- Acknowledge the individual stories behind every conflict
- Encourage creativity & community involvement through positive remedies



The Peer Justice System

Intake Board includes administrators and student's staff mentor

Intake Board decides whether to send the student through the Healing Circle or the **Restorative Youth Court**

Healing Circle

“Interpersonal Breach”

For incidents where the impacted party is identified and wishes to participate in the justice process

Examples:

Disrespect, gossiping, theft, fighting

Restorative Youth Court

“Community Breach”

For incidents where the impacted party is unidentified, or the incident affected the community at large (e.g. rule-breaking)

Examples:

Vandalism, inappropriate clothing, truancy, disruptive behavior, fighting



Restorative Youth Court

- After-school program comprised of SJA student volunteers
- Does not determine guilt or innocence
- Students must admit responsibility and take ownership of their actions
- Role: to find an appropriate remedy for the student to repair the harm and change the behavior



Restorative Youth Court: Roles and Terminology

- “Responsible Party” - Offender
- “Community Breach” or “Harm” - Offense
- “Community Advocate” - Prosecutor
- “Responsible Party Advocate” - Defense Attorney
- “Remedy” - Sentence or Punishment



Youth Court Roles

- Judge
- Clerk
- Responsible Party
- Community Advocate
- Responsible Party Advocate
- Jury Foreperson
- Jury



Community Breaches

- “Victimless” Harms
 - Repetitive Class Disruption
 - Cutting Class
 - Inappropriate Clothing
 - Profanity
 - Tardiness to Class
 - Repetitive Insubordination
 - Vandalism



Remedies

- Seek to repair the harm that was caused to the community
- Must be approved by Principal Cox
- Community-based to benefit the restoration of community and the responsible party:
 - Community Service
 - Public or Written Apology
 - Research Paper
 - Restitution
 - Youth Court Jury Duty



What is CHINS?

- Children in Need of Services (CHINS)
- 1973 – the present Massachusetts statute
- Meant to decriminalize certain behavior and provide services to children in need
- Seriously flawed
 - Heavy court involvement with family
 - Delayed or nonexistent response due to overtaxed resources
- Reform by Sen. Karen Spilka's 4 Year Task Force MA Senate Bill 68



SJA Project & CHINS

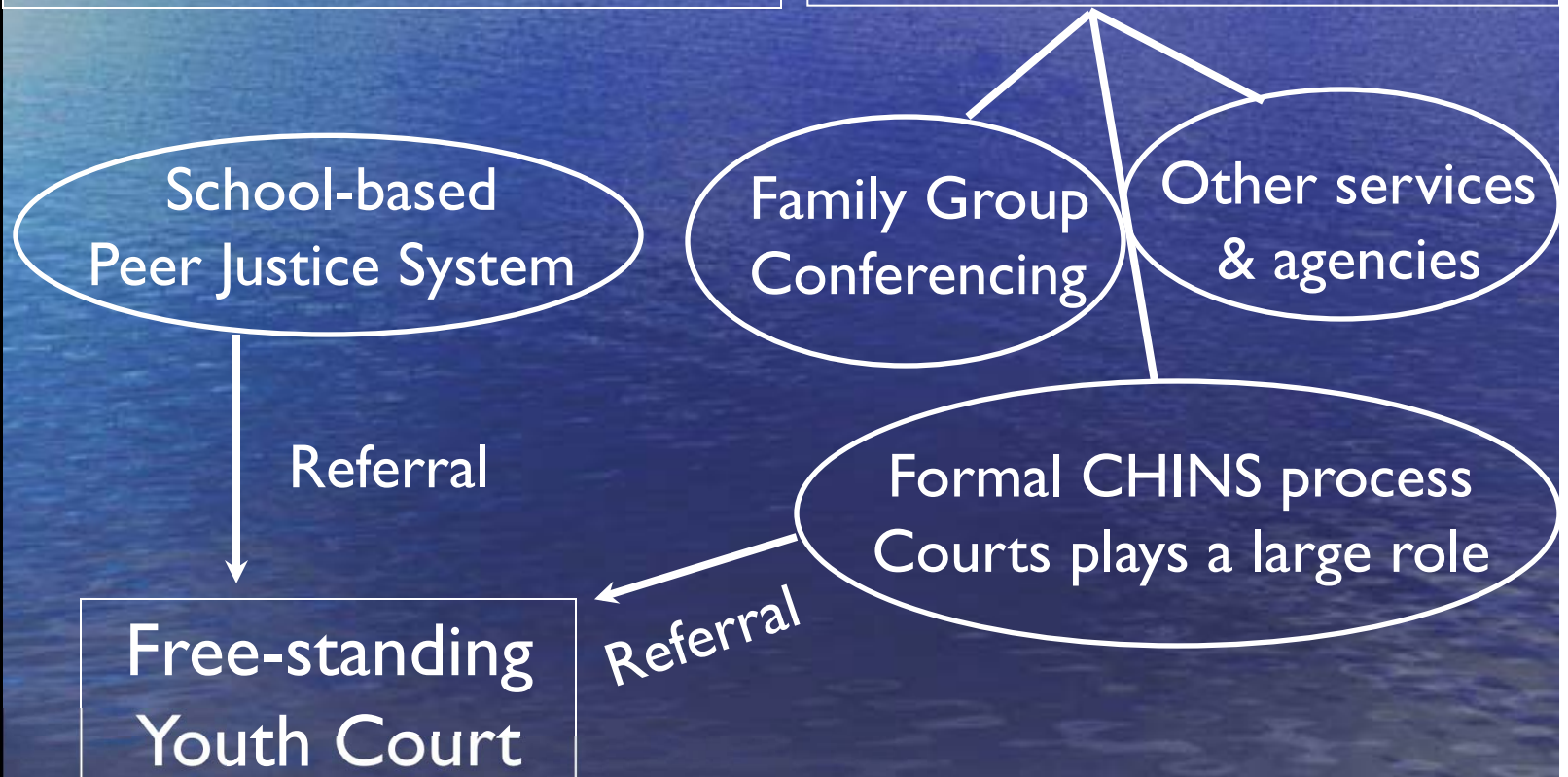
- October 6, 2009 NUSL/LSSC testimony Senate Committee on Families & Children CHINS Reform Bill 68
- Social Justice Academy: Pilot for CHINS as a diversionary process
 - Peer Justice System utilized in high schools throughout the Commonwealth



Recommendations for the CHINS Task Force

**Diversionary Program:
School-Based System
(no initial interaction with CHINS)**

Kiosk Front End
Families approach CHINS and
choose from the options below



Social Justice Academy



A collage of social justice posters and a red t-shirt. The t-shirt in the center is red with the text "Social Justice Academy 2005-06". To its left is a poster titled "GET CORPORATIONS OFF WELFARE" with a portrait of Martin Luther King Jr. Below that is a poster with Swahili words: "NGUZU SABA seven principles", "UMOJA unity", "KUJICHAGULIA self determination", "UJIMA collective work and responsibility", "UJAMAA cooperative economics", "NIA purpose", and "KUUMBA". To the right of the t-shirt is a poster with a pyramid diagram and the words "Relationship", "Rigor", and "Reflection". Above the t-shirt is a quote: "When the Power of Love Overcomes the Love of Power the World Will Know Peace". To the right of the t-shirt is a poster that says "Feminism is the radical notion that women are people".



A purple bulletin board for the Social Justice Academy. It features a large sign that says "Welcome To Social Justice Academy". Below the sign is a poster with a pyramid diagram and the words "Relationship", "Rigor", and "Reflection". The board is decorated with various photos, including one of Rosa Parks with the text "Rosa Parks Played Her Part Now We Must Play Ours", and other social justice related images.

Questions?



What is Peer Justice?

The Peer Justice System at Social Justice Academy

This pamphlet is designed to give students, parents, and teachers at SJA a better understanding of the Peer Justice System and to help them decide if they would like to utilize the system to handle an incident or conflict at school.

The Peer Justice System is an alternative disciplinary system at Social Justice Academy that handles incidents and conflicts that occur at school using **restorative justice**. While it does not replace the traditional system, it can be used to handle many situations if deemed appropriate by school officials and if the responsible party is willing to accept responsibility for what s/he did.

What is the *purpose* of the Peer Justice System?

All high schools have disciplinary problems. The way the school chooses to address these problems helps define the culture of that school. **Traditional approaches to student discipline** mandate punishing students with detentions, suspensions and expulsions, which remove students from the classroom without helping them understand the impact of their actions. They also stigmatize students, make them fall behind on their class work, and do little or nothing to prevent future disciplinary problems. Finally, suspended or expelled students have a greater likelihood of dropping out of school and ending up in the juvenile or criminal justice system. This process has been known as the **school-to-prison pipeline**. The Peer Justice System is part of a growing movement of students, parents, educators, and policy makers that seeks to dismantle this pipeline to prison and find better ways of achieving peace and justice in our schools and communities.

How did the Peer Justice System get started?

The Peer Justice System (PJS) was designed by students, teachers, and administrators at the Social Justice Academy in collaboration with first year law students from Northeastern University School of Law involved with the Legal Skills in Social Context (LSSC) program. SJA students came up with the idea of starting a youth court while working with LSSC students on a new court manual for the Anchorage Alaska Youth Court. The following year, a second group of LSSC law students developed a proposal for creating a peer justice system at SJA that would utilize a **reparative Youth Court** to handle community breaches such as vandalism and **Healing Circles** to handle interpersonal conflicts such as fights. Healing Circles are rooted in long-held traditions of indigenous peoples around the world, including the Americas, Africa, and New Zealand. During the 2007-08 school year, SJA launched the PJS with help from the Society for Restorative Justice, a law student organization at Northeastern.

What is restorative justice?

Unlike the American criminal justice system, restorative justice looks at crime as **a harm that needs to be acknowledged and repaired by the responsible party**. Restorative justice says that harm can be best repaired by bringing everyone who was affected together to decide how to repair the harm and make things right.

According to the Center for Restorative Justice at Suffolk University, “[r]estorative approaches seek a balanced approach to the needs of the victim, wrongdoer and community through processes that preserve the safety and dignity of all.... Restorative justice is a values-based approach to conflict and harm. These values are often identified as **inclusion, democracy, responsibility, reparation, safety, healing and reintegration**. But one value is more essential than any other — **respect**.”

Examples of restorative practices:

- Victim-Offender Dialogue
- Family Group Conferencing
- Community/School Conferencing
- Peacemaking or Healing Circles
- Reparative Boards
- Truth and Reconciliation Commissions
- Victim Impact Panels
- Restorative Community Service
- Restitution
- Victim Support and Services
- Reintegration Services

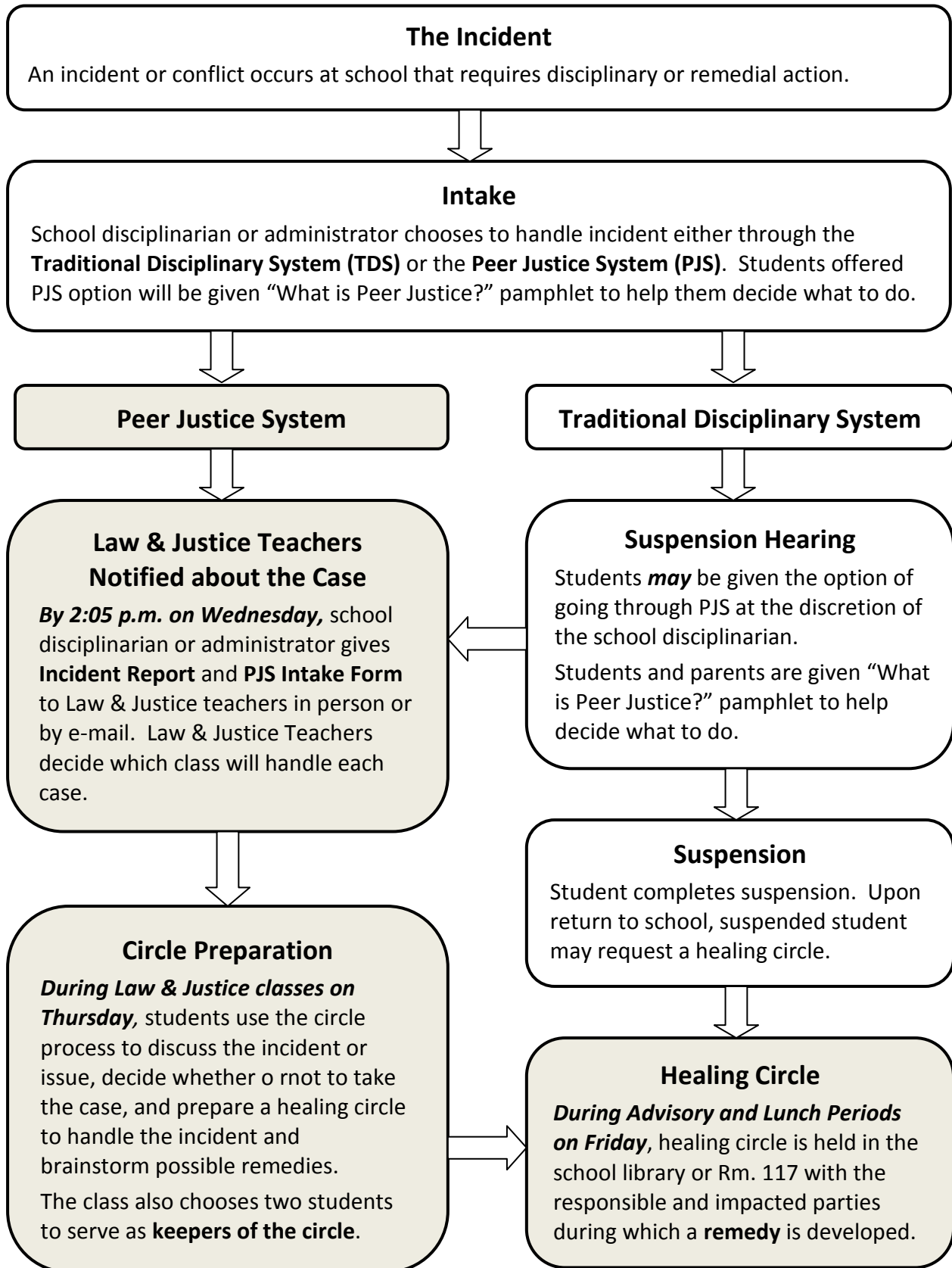
How does the Peer Justice System work?

The Peer Justice System is a diversionary program that handles a wide range of conflicts and issues at SJA. While it does not completely replace the traditional disciplinary, it can be utilized if the following four requirements are met:

1. **School administrators** decide the case is appropriate for the PJS,
2. **Responsible Party** accepts responsibility for what s/he did and agrees to go through PJS,
3. **Impacted Party** agrees to have case handled by PJS, and
4. **Students running PJS** agree to take the case.

While originally designed to have both a youth court and healing circles, during the current 2008-09 school year, we have chosen to handle all matters through healing circles. A **healing circle** is a restorative process in which everyone affected by an identified harm or conflict sits in a circle that is run by a **keeper of the circle**. A **talking piece** is passed and no one can talk unless they are holding the talking piece. By passing the talking piece, everyone must listen to everyone's thoughts and together the people in the circle decide on how best to remedy the harm(s). Students attending circle should bring an item of personal meaning to place in the **centerpiece**, which is used to help create a safe space where all people are respected.

Peer Justice System Flow Chart



Tapping into the Law School Market:



Building Partnerships, Leveraging Resources

By *Melanie Kushnir*

Law schools and law students are an important but often underused resource to increase access to justice for low-income individuals. Recent developments in legal education make it easier to integrate law students into the delivery of legal services. This article discusses these trends and highlights the benefits of partnerships between legal service providers and law schools and provides guidance on how to build an effective law school partnership.

Current Trends in Legal Education

The face of legal education is changing. Current developments are calling for both more experiential-based learning opportunities and an increased commitment to pro bono and public service opportunities. A report released this year by the Carnegie Foundation for the Advancement of Teaching, "Educating Lawyers,"¹ calls for fundamental changes in both the structure and content of legal education in the United States to integrate realistic and real-life lawyering experiences throughout the curriculum. Another report issued by the Clinical Legal Education Association, "Best Practices for Legal Education,"² issues a similar challenge.

Further exemplifying this trend, in February 2005, the

In-house Clinics

- The Rutgers Law School Urban Legal and Child Advocacy Clinics, together with the Northeast Regional Juvenile Defender Center, and the NJ Office of the Public Defender (OPD) have partnered to build a cadre of well-trained and enthusiastic lawyers for children in NJ. Under faculty supervision, law students attend partnership meetings, perform research projects at request of the OPD administration and assist in the development of trainings focused on improving collaborative efforts among lawyers representing the same children in different forums.
- The Child Health Advocacy Program is a collaborative effort among the University of Virginia (UVA) Law School, the University of Virginia Children's Hospital and the Legal Aid Justice Center. Under the supervision of Legal Aid Justice Center's attorneys, law students address non-medical needs such as landlord/tenant, benefit and child support issues, as well as others identified during the course of medical care.
- The University of Texas (UT) School of Law in partnership with Texas Community Building With Attorney Resources (Texas C-Bar), a statewide transactional pro bono project of Texas Rio Grande Legal Aid established a Community Development Clinic to enable students to represent nonprofit organizations and individuals involved in community development.

ABA amended the language of its Pro Bono Accreditation Standard from an aspirational to a mandatory standard. As it now reads, all ABA-approved law schools "shall offer substantial opportunities for student participation in pro bono activities."

In August 2007, the ABA provided further clarification of this standard by adopting a formal interpretation which states that "pro bono opportunities should at a minimum involve the rendering of meaningful law-related service to persons of limited means or to organizations that serve such persons; however, volunteer programs that involve meaningful services that are not law-related also may be included within the law school's overall program."³

Nearly all law schools regularly offer in-house live clinical opportunities, externships and simulation courses. Most of these staffed courses and the externships are focused exclusively on serving low-income clients. In addition, there has been explosive growth in the number of law school pro bono programs with a significant majority having a formal mandatory or voluntary pro bono and/or public service program.⁴

The Case for Involving Law Students

The primary benefit for legal service providers are in the additional resources students provide in meeting the critical need for legal services to the indigent. Law students can provide assistance in a number of ways including, handling intake; conducting client interviews; performing research; drafting Know Your Rights brochures and conducting presentations; oral and written interpretation services; staffing help lines; creating pro se materials and conducting pro se clinics. In addition, students who are certified under applicable student practice rules can provide direct representation under attorney supervision.

On those cases where attorneys retain a direct supervisory role, the time savings may be less, but are usually counterbalanced by the quality work product contributed by the law student. In some cases, the collaboration between the supervisor and the student affords attorneys alternative perspectives on various approaches to litigation. In addition, programs often report that their law student volunteers become their future staff and those who go into private firms often remain connected with the organization either as volunteers or as donors.

For law schools, these partnerships prove beneficial in several respects apart from their educational function. Most importantly, collaborations with legal service providers enhance the law school's ties, relationship, reputation and stature within the community. They also offer opportunities to

strengthen relationships with alumni who are often members of the local community and can serve as sources, sponsors and supervisors for student projects.

Individual faculty can profit as well from community contacts and from opportunities to enrich their research and teaching. Many pro bono initiatives such as Innocence Projects and Street Law projects have played significant roles in public edu-



Courses with Public Service Components

- Texas Tech University Law School partners with Legal Aid of NorthWest Texas on a Wills Project for students enrolled in the Wills and Trust Course. Through wills clinics, student enrolled in the Wills and Trust course are able to interview, draft and assist with the execution of wills for low-income clients in the community.
- Northeastern Law School has a unique required first-year course, Legal Skills in Social Context (LSSC), which provides students with the opportunity to develop team lawyering skills while assisting community organizations that are attempting to affect social change. Students are assigned to a "law office" and participate in a closely supervised clinical experience representing and assisting a non-profit community based organization in solving a societal problem involving issues of diversity and law. Participating organizations, primarily located in the greater Boston area, compete for an opportunity to participate in the LSSC Program.

ation and public policy.

For students, participation in public service initiatives helps them connect the legal theory they learn in their classes with the practical legal issues faced by low-income individuals. They are provided with valuable experience and legal skills that will enhance their marketability for future employment and a commitment to public interest work regardless of their ultimate career choices.

Building Effective Partnerships

The first step in building a successful collaboration with a law school is to recognize that law schools and law students have differing objectives from legal service providers. Law schools are primarily concerned with the education of their students while legal service providers are primarily concerned with client service. Law students themselves often have a different set of objectives, including completing the academic

See *LAW SCHOOLS* on page 30

Independent Research and Scholarship

- The Legal Aid Society (LAS) of Louisville, Kentucky expanded its volunteer assistance when the Brandeis School of Law, University of Louisville, committed to providing a faculty member to LAS for the summer to help on skills training of staff and to offer additional client assistance. In addition to the faculty member as a resident scholar for the summer, LAS benefits from law student interns who are willing to work on a volunteer basis or through stipends paid by other funders.
- Several public interest organizations and law schools are jointly participating in the American Constitution Society's ACS ResearchLink, a new online resource for law student research projects. The project collects legal research topics submitted by practitioners intended for faculty-supervised law review/journal notes, seminar papers and independent research. Further information can be obtained at <http://researchlink.acslaw.org>.

LAW SCHOOLS - Continued from page 17

requirements for graduation, finding a job and repaying loans.

In order to accommodate these different goals, a number of strategies can be employed:

Top down support

Legal service providers must ensure top down support of involving law students in their program. Program staff must not view students as a totally free resource but as a lucrative investment. They should be provided with meaningful experiences that are sufficiently challenging to enable them to develop basic lawyering skills.

Programs must remember that law students are future advocates in and for legal services and must be sensitized to the legal needs of the poor.

Foster Relationships with Law School

In order to develop a partnership, legal service providers should contact the law school(s) in their area to assess their interest in a partnership. Appropriate contacts include faculty/staff involved in the law school clinical or externship program or faculty/staff involved in the law school's pro bono or public interest program. A list of these contacts can be found in the "Directory of Law School Pro Bono and Public Interest Programs."⁵

Maintain a Presence at the Law School

In order to be effective, the law school faculty, administration and students must be familiar with the program. Programs should consider participating in the law school on-campus interview program or conducting presentations at the school to recruit student volunteers and/or summer interns. Other forms of recruitment include: posting information on the law school website, flyers and word-of-mouth testimonials from current and former participants. Another strategy is to collaborate with the law school in offering an award to honor extraordinary students whose volunteer efforts contributed to the low-income community.

Create Incentives for Schools, Students

Programs should stress both the critical need for legal services delivery and quality legal education. They should stress the benefits of volunteer service including, developing legal skills and a network of references for future employment; exposure to various areas of substantive law and public service opportunities; greater involvement in the community; and personal fulfillment.

Case Management

Depending on the type of model, tension could arise if clients are being jointly represented by attorneys from different organizations. In order to avoid potential conflicts over decision-making, participants should clearly define the scope of the relations and the obligations of each party in a written agreement.

Timing and Logistics

Providing meaningful opportunities that meet the students' learning needs and busy schedules is a primary challenge of law school partnerships. Opportunities should enable students to engage in sufficiently challenging real lawyering activities yet not be so difficult or complex that the work is too demanding on their limited skills set and availability. Effective partnerships often involve fairly routine areas of law in which projects can be set up

Pro Bono Initiatives

- In a partnership between the University of Arizona James E. Rogers College of Law and the Volunteer Lawyers Program (VLP) (Southern Arizona Legal Aid), VLP advocates provides training and supervision for students who commit at least 12-15 hours per semester. Students participate in one of four clinics: Child Support Project, Bankruptcy Court Reaffirmation Hearings, Domestic Relations Clinics and Probate Court Guardianship Project. VLP has a full-time attorney to oversee and collaborate with law student coordinators on recruitment and recognition efforts such as monthly and annual awards and spring and a fall luncheon.
- Several law schools allow students to perform legal research for legal services attorneys and lawyers engaging in pro bono representation. These projects enable students to simultaneously improve legal research and writing skills under the supervision of a practicing attorney or faculty member while providing much needed assistance to attorneys in the public sector. One example is a collaboration between the University of Tennessee Law School and Legal Aid of East Tennessee on a Web-based TIG funded tool. The Student Assisted Legal Research Network allows legal aid attorneys at various sites in Tennessee to request research assistance from law students. The requests are screened by student coordinators at participating law schools who then assign research tasks to students.
- Villanova University School of Law Lawyering Together Initiative pairs volunteer alumni attorneys with volunteer law students to handle pro bono cases. Together they represent low-income clients referred by the following three Philadelphia public interest agencies: Philadelphia volunteers for the Indigent Program, Senior Law Center and the Support Center for Child Advocates. The law school director of Public Service Careers and Pro Bono Programs matches interested attorneys with students and assigns each pair to work as a team with one of the co-sponsoring public interest organizations. Participating public interest organizations provide training and consultation, while pro bono attorneys are ultimately responsible for the case.
- Several law schools organize alternative winter or spring break projects that enable teams of students to travel to programs throughout the country to perform legal work. Examples include projects in which students work on criminal justice and death penalty defense issues, post-hurricane relief work, environmental justice and immigration work.
- The Pro Bono Legal Corps (PBLC) is an Equal Justice Works AmeriCorps-funded program, which places attorneys at pro bono and legal aid organizations across the country to promote public service among law students at law schools. Americorps attorneys collaborate with community legal aid providers and law schools in developing quality pro bono opportunities and projects; recruit and train law students to volunteer with the pro bono project; and provide ongoing management and coordination of the pro bono project and volunteers. (www.equaljusticeworks.org)

to serve distinct phases or be broken into smaller components.

Supervision and Oversight

In order to make a student's experience effective, projects should be structured and include built-in training and support. Supervising attorneys should explain assignment and deadline expectations carefully and be accessible to students' questions. Quality control mechanisms, such as monitoring the type and quality of all assignments, feedback on work provided and evaluation should be in place.

Decide on a Program Model

The appropriate model will depend on the availability of funding and community need. Programs should conduct a needs assessment or consider what legal needs are currently unmet in the community that could be addressed by law students. Other important considerations are where the program will be housed; how many staff will be needed to adequately set up, coordinate and manage the program; who will be responsible for supervising the students and what the supervisory structure will be; and how the program will recognize students for their service.

Models of Law School Partnerships

There are a variety of ways in which legal services programs can effectively engage law students in their advocacy efforts.⁶

In-house Clinics and Externships - Both in-house clinics and externships enable students to gain practical experience with clients and cases under the supervision of law school professors (in-house clinics) or a licensed attorney in a nonprofit organization (externships). Students receive academic credit for their work.

Courses with Public Service Components - Some faculty partner with legal service providers in order to incorporate service components into their doctrinal courses.

Independent Research and Scholarship - Several law school faculty are exploring ways to incorporate public service opportunities not only into the law school curriculum but also by involving students in faculty-related pro bono projects such as research assistance and independent study.

Pro Bono Initiatives - Pro bono programs in the law school setting are designed to inspire and enable students to engage in pro bono legal service, uncompensated by credit or pay, while in law school. The primary purpose of these programs is to teach all students why pro bono service is an important professional value and to introduce them to the ways in which they can contribute in

Summer Paid Internships

- The University of Baltimore School of Law in partnership with the Legal Aid Bureau of Maryland, Inc. and the Maryland Public Defender established a Public Interest Fellowship Program in which students serve fulltime as summer law clerks, remunerated with a law school grant of \$4,000, plus a tentative offer of permanent post-graduate employment contingent on successful summer performance. Successful applicants receive full remission of tuition and fees their final year of law school in the form of a forgivable loan and are expected to remain employed at the public interest partner organization for three years.

their practice as attorneys.

Summer Paid Internships - Several law schools have partnered with nonprofits to provide summer fellowships and stipends to students who would otherwise not be able to accept low-paying or non-paying public interest summer employment. ★

Melanie Kushnir is assistant staff counsel for the ABA Center for Pro Bono.

"Both in-house clinic and externships enable students to gain practical experience with clients and cases under the supervision of law school professors (in-house clinics) or a licensed attorney in a nonprofit organization (externships)."

¹ Sullivan et al., *Educating Lawyers: Preparation for the Profession of Law* (2007)

² Roy Stuckey and Others, *Best Practices For Legal Education* (2007), available as a PDF formatted file at <http://cleaweb.org>

³ ABA Standards for Approval of Law Schools, 2007-2008, available at <http://www.abanet.org/legaled/standards/20072008StandardsWebContent/Chapter%203.pdf>. (The Interpretation further acknowledges that while most existing law school pro bono programs include only activities for which students do not receive academic credit, it maintains that the Standard does not preclude the inclusion of credit-granting activities within a law school's overall program of pro bono opportunities so long as law-related non-credit bearing initiatives are also part of that program.)

⁴ Directory of Law School Public Interest and Pro Bono Programs at www.abaprobono.org/lawschools. (According to the Directory, 35 law schools have pro bono and/or public service graduation requirements; 109 law schools have formal, administratively supported voluntary programs; and 25 law schools rely on student groups to provide opportunities.)

⁵ Directory of Law School Pro Bono and Public Interest Programs, *supra* at www.abaprobono.org/lawschools. See also the Clinical Legal Education Association website at <http://www.cleaweb.org/index.html> for a 2007 compiled list of law school clinic directors and the E-Guide to Public Service at America's Law Schools at www.equaljusticeworks.org.

⁶ To identify further information about involving law students, including examples of law school legal service delivery models, see Directory of Law School Pro Bono and Public Interest Program, *supra* at www.abaprobono.org/lawschools; The Renaissance of Idealism in the Legal Profession Pro Bono and Public Service Best Practices Resource Guide at <http://www.abanet.org/renaissance/bestpractices/home.html>; and the Private Attorney Involvement (PAI) Section of the LSC Resource Library at <http://www.lri.lsc.gov/probono/lawschoolcollaborations.asp>.