Housing Victory Secured for Poverty Clinic Client

By Sarah Hunter ('14)

Family members should be allowed, and encouraged, to care for one another in times of need.

The DePaul Poverty Law Clinic team that I served on emphasized this important point to the administrative law judge presiding over an informal hearing against the Chicago Housing Authority (CHA) in May. The clinic challenged CHA’s decision to terminate client Marie P. from the Chicago Housing Choice Voucher Program (Section 8 program).

Marie reached out to the clinic in January 2013, seeking assistance in connection with the CHA’s decision to terminate her Section 8 voucher. The CHA alleged that Marie had an unauthorized resident and dog living in her unit. Initial interviews with Marie, her sisters, and her close friend, revealed that Marie’s ailing mother came from Florida to stay with her temporarily while awaiting space in an assisted living facility.

Subsequent interviews revealed that Marie’s mother had recently suffered the loss of a limb, required home care assistance, and needed help traveling to receive treatments for other chronic health conditions. Marie and her sisters encouraged their mother to come to Chicago so that her family and children could care for her. Multiple witnesses confirmed Marie’s statement that while her mother arrived at her doorstep with a dog, it was quickly relocated to Marie’s daughter’s home after staying in the apartment for a week.

Upon accepting the case for representation, three students, Erin Grotheer ('13), Richard Halm ('14) and I, were assigned to work with Visiting Assistant Professor David Rodriguez on Marie’s case. Through in-class discussions and team meetings, the team identified the key legal issues that the administrative law judge would focus on. They also developed a plan to secure supporting evidence from the hospitals that treated Marie’s mother before she passed away in June 2012. These documents were cross-checked with interviews from other family members and friends who could corroborate why Marie’s mother was staying with her.

As the hearing date approached, Professor Rodriguez helped prepare Halm and me to conduct direct examinations of Marie’s supporting witnesses. On the day of the hearing, the clinic team discredited the CHA’s allegations with the help of the landlord’s admission that he lacked personal knowledge that anyone was living with Marie and that it was possible that the person he believed was living with Marie was in fact only visiting her.

Marie’s testimony that her mother had stayed with her temporarily, but not for more than 30 continuous days or 90 total days in the calendar year, reinforced that her mother was not a “resident” under U.S. Department of Housing and Urban Development (HUD) regulations and CHA rules. Documents obtained by the team showing the number of days that Marie’s mother spent at local hospitals before passing away also supported that she could not have been residing with Marie. Marie did admit to the CHA hearing officer that her mother arrived with a dog, but that it only stayed in her unit for a few days. The team then argued that this was not a material violation of her lease and that Marie had cured this issue within 10 days as permitted under the Chicago Residential Landlord Tenant Ordinance (RLTO).

Before resting Marie’s case in chief, the team deliberated in private to assess whether the testimony elicited from the landlord and Marie along with the documentary evidence, especially the hospital records, warranted the examination of additional witnesses. The team decided that the CHA had clearly not met its burden of proof and decided not to call Marie’s sister and close friend. In closing argument, Marie’s team argued that there was no evidence that Marie’s mother was “residing” with her, as that term is defined by HUD and the CHA, that the dog allegation was effectively de minimis and in any event cured under the Chicago RLTO, and concluded by reiterating that family members should be allowed, and encouraged, to assume caretaker roles, just as Marie did. The team also emphasized to the hearing officer that a landlord like Marie’s landlord should conduct considerably more due diligence before making unsubstantiated allegations that threaten a person’s housing subsidy.

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Civil Rights Attorney Discusses the Struggle for Puerto Rican Independence

By Max Suchan ('15)

On October 2, 2013, renowned criminal defense and civil rights attorney Jan Susler presented a lecture, “Puerto Rican Independence and the Law,” at DePaul. Susler, a partner at the Chicago-based People’s Law Office, has worked for the last several decades on behalf of Puerto Ricans imprisoned in the United States for their pro-independence beliefs and political organizing. The event was organized by the National Lawyers Guild (NLG) at DePaul to give background and context to students attending the 76th NLG Law for the People Convention in San Juan, Puerto Rico from October 23 to 27. The International Law Society and the Latino Law Students Association cosponsored the lecture.

Susler provided a history of the colonial relationship between the United States and Puerto Rico, and the problems raised by the island’s status as “belonging to,” but not “part of,” the United States. Susler described how the United States assumed control over the island from Spain in 1898 and immediately devalued the local currency, imposed a sugar economy, and set up a military government with little support or input from Puerto Ricans.

Today, Susler asserts, Puerto Rico is a captive market for the United States, since the island imports 80 percent of its goods, the majority of which are required to come from U.S. ships only.

Although the United Nations has declared colonialism to be a crime against humanity, Puerto Rico is prohibited from entering into any trade agreements with foreign nations without U.S. approval. The Puerto Rican Constitution and proposed amendments must first be approved by U.S. Congress, and U.S. federal law applies to the island despite local opposition to several laws, including the use of the death penalty.

Susler described repressive measures employed by the United States to disrupt pro-independence organizing, such as mass arrests, press censorship and extrajudicial assassinations of prominent leaders within the movement.

Susler reminded the audience that the U.S. was formed from an armed struggle against colonialism, and that international law permits Puerto Ricans to struggle for independence using “any means at their disposal.” She traced the rise of the Puerto Rican nationalist movement from the 1930s to the present and discussed her work supporting 11 people arrested in Evanston in the 1980s for their membership in the Puerto Rican pro-independence group Armed Forces of National Liberation.

Susler’s clients were charged and convicted with seditious conspiracy, a statute that prosecutors have selectively enforced against Puerto Rican activists. They received sentences ranging from 30 to 90 years, even though none were ever charged with participating in militant actions harming people or property.

In 1999, President Clinton commuted the sentences of the majority of the prisoners. Today, Oscar Lopez Rivera remains the only activist still imprisoned and has thus far served 32 years. Susler still campaigns tirelessly for Rivera’s release and testifies annually on his behalf before the UN Committee on Decolonization. She urged law students to support the movements of colonized people like Puerto Ricans who are fighting for their rights to self-determination in this country and abroad.

At the convention in San Juan this past October, Susler and fellow NLG member Judith Berkan were awarded the distinguished Law for the People Award to commemorate their advocacy on behalf of Puerto Rican political prisoners and organizers.

Continued from cover

Housing Victory Secured for Poverty Clinic Client

The administrative law judge agreed with Marie, concluding that the CHA failed to prove that Marie had materially violated her lease and the rules of the Section 8 program. Marie was reinstated to the Chicago Housing Choice Voucher Program and in July 2013 she picked up her new voucher from the CHA, which she used this past October to rent a home near her sister’s.

As a clinic student, I found the opportunity to assist in the successful reinstatement of Marie’s housing voucher incredibly rewarding and an invaluable learning opportunity. Participating in the process from beginning to end demonstrated how critical legal assistance is for vulnerable individuals who too often must navigate the legal system alone. The Poverty Law Clinic provides students with the opportunity to improve their advocacy skills and see the direct impact of doing public interest work.

1 Adapted from a Depaul Law News story originally co-authored by Visiting Assistant Professor David Rodriguez and Legal Clinic Supervisor Mary Bandstra, available at: http://depaullaw.typepad.com/depaul_law_school/2013/08/poverty-law-clinic-saves-families-from-losing-housing.html
Public interest law practitioners aim to make justice accessible to those who cannot afford it. But what happens when individuals who are financially ineligible for traditional legal aid cannot afford market prices of private attorneys? Significant amounts of people are included in this “justice gap” and, without affordable access to attorneys, they often head to court unrepresented and are automatically disadvantaged.

The Chicago Bar Foundation’s small business incubator, the Justice Entrepreneurs Project (JEP), strives to address this problem by helping those who earn too much to qualify for legal aid but lack the means to obtain private counsel.

“The Justice Entrepreneurs Project is off to a great start, thanks to the interest and commitment of outstanding new lawyers like the four DePaul law alumni currently participating in the program,” said JEP Director Taylor Hammond. “These lawyers are committed to serving the community by providing quality, cost-effective legal services to low and moderate income people who too often cannot find legal help they can afford.”

The project is designed to help recent law school graduates “hang out their shingle” and begin their own socially conscious law practice that provides affordable legal services to clients of modest means. “It makes starting out on your own less daunting,” remarked Neil Kelley (JD ’11), who is part of JEP’s inaugural class. “It’s been great having a group of people who are trying to make their way along with you to consult and develop courses of action.”

Last spring, JEP welcomed its first class of 10 justice entrepreneurs. The Chicago Bar Foundation selected their participants through a competitive process, seeking talented, innovative and entrepreneurial-minded young attorneys. JEP will continue to accept attorneys to the program every six months, mentoring up to 30 attorneys at a time.

The justice entrepreneurs spend the first six months of the program providing pro bono services at a partner legal aid organization to further sharpen their legal skills and expand access to justice. In the latter part of the program, they connect with experienced lawyers in the Chicago community for additional training on how to run a successful practice, including business development strategies and technology utilization.

After completing their training, justice entrepreneurs eventually build their practice by accepting clients of their own. Nora Endzel (JD ’12) is using her training to develop a cooperative family law practice. “JEP has given me the training, support and resources to turn my idea into a successful startup law practice,” Endzel said. Moreover, it “provides transparent, results-based representation to clients who cannot afford the uncertainty of traditional, hourly representation.”

November 15, 2013, marked the public opening of the JEP office, located in the West Loop. The Chicago public interest legal community gathered to celebrate the launch of JEP’s new space and to welcome the second class of attorneys joining the project. The new office provides a collaborative environment for justice entrepreneurs to work together on their access to justice initiatives.
Resistance Rising: Theorizing and Building Cross Sector Movements

By Courtney Kelledes (’13)

Critical race theory is woefully lacking from the standard law school curriculum. Fortunately, DePaul students do have opportunities to take courses that explore and develop a critical discussion of structures of power, racism and the law. One such course is Professor Sumi Cho’s Critical Race Theory Senior Seminar.

This fall, two DePaul Law alumni and former students in Professor Cho’s fall 2012 course, Jordan Mobley (’13) and myself, had an opportunity to present our seminar papers at the biennial LatCrit (Latina & Latino Critical Legal Theory, Inc.) Conference.

Now in its 18th year, the 2013 LatCrit Conference was hosted at the Chicago Hilton O’Hare from October 4 to 6. The LatCrit Conferences are “designed to spur the critical, cross-disciplinary study of Latinas/os as a multiply diverse and transnational social group, and in relationship to other social groups subordinated socially and/or legally.” Law professors from across the country made the trek to Chicago to participate in discussions focused on cutting-edge legal topics explored through the lenses of race, ethnicity, gender and class.

Prior to our presentations, organizers paired us each with commentators, both of whom stand among the foremost scholars in the critical race theory field. My assigned commentator was Frank Rudy Cooper, professor of law at Suffolk University, who most recently published Masculinities and Law: A Multidimensional Approach (Frank Rudy Cooper and Ann C. McGinley eds., New York University Press 2012), collected essays promoting the synthesis of critical race theory’s multidimensionality theory with masculinities studies as applied to law.

During the conference, Professor Cooper offered invaluable insight and guidance, as well as suggested revisions to my article, Collateral Consequences of Criminal Records and Intersectional Subjects. After spending months on my work for Professor Cho’s course, the opportunity to have a professor with scholarly interests closely aligned with my paper topic reignited my enthusiasm for pursuing my research.

Mobley was partnered with critical race theory pioneer Neil Gotanda, professor of law at Western State College of Law. He noted that the opportunity to collaborate with Gotanda was both exciting and intimidating. Of the conference itself, Mobley reflected: “It was encouraging to see so many who try to use the law school experience for real education and change.”

DePaul had a notable presence among the many law schools and scholars present at the conference. Professor Cho, LatCrit board of directors member and key conference organizer, invited students Sanaa Khan (’15) and Candace McPherson (’14) to attend the conference. On Friday, Professor Cho chaired a plenary session, “Redefining Equality through Difference/Modernity/Coloniality: From DOMA to Shelby County, Trayvon and Beyond.” Former DePaul Clinical Instructor Linus Chan also presented his work, “State Immigration Enforcement Provisions or the Self-Deportation Laws Violate the Right to Travel,” at the Works-in-Progress Colloquia.

Additionally, DePaul University is a joint contributor to the LatCrit Student Scholar Program, which recognizes students’ work in critical legal theory and offers the honoree for best paper to present at the conference. Thanks to Dean Gregory Mark’s support, DePaul University was the lead local co-sponsor for the LatCrit Conference.


DePaul Professor Confronts a Culture of Victim-Blaming in RAPE IS RAPE

By Sarah Bendtsen (’15)

“Everything I had taken away from me—love, rights, being a female—I have gained back in ten folds by having the opportunity to meet people like Jody Raphael and to give back.”

-Riley, a survivor featured in RAPE IS RAPE

DePaul Senior Research Fellow and Visiting Professor Jody Raphael began writing RAPE IS RAPE in 2006, after witnessing a growing indifference and an increasing trend of rape denial and victim-blaming by news outlets and society in response to high-profile acquaintance rape cases. Especially troubling to Raphael were reports and responses to cases involving alleged rapes committed by the Duke Lacrosse team, Wikileaks founder Julian Assange, International Monetary Fund Director Dominique Strauss-Kahn, and, most recently, the Steubenville high school football players.

In each of these cases, Raphael observed how the media, prominent public figures and general public, rallied to protect alleged offenders, while “rape deniers” launched a victim-blaming attack. As cases evolved, Raphael noticed similar reactions: “The more acquaintance rapes are reported—[and] taken seriously by prosecutors, judges and juries—the more people clamor that women are falsely claiming they’ve been raped.”

As each high-profile rape case emerged, Raphael knew that RAPE IS RAPE would have a hook: there grew a vital and “unique opportunity for the media and the general public to become more sympathetic to rape victims.” An increasing culture of victim-blaming drastically decreased the amount of reported cases that were actually being charged. While attributable to numerous factors, Raphael credits “rape deniers” for their
In RAPE IS RAPE, Raphael explains that the declining 1 in 6 chance that a reported rape will result in an arrest. In Illinois, that number is more startling: a mere 17 percent, or resulted in an arrest, down from 59 percent in 1971. In 2006, 26.5 percent of reported rapes nationwide decreased in the number of arrests made on those reports.

Victimization Survey (NCVS), which revealed a steady decrease of rape reporting, and an even more alarming growing prevalence of acquaintance rape, and attacking victims' rights. The aftermath and the community’s response to my rape claim were worse than the attack. The indifference and silence sends a huge message.”

Raphael makes clear that only a minute pool of men are rapists but emphasizes society’s role in changing this victim-blaming and rape-denying culture. She challenges society’s reaction to not mirror that of the Holocaust, the denial of which occurred for years before action was taken. As Riley, another survivor featured in the book elaborated, “Most people don’t understand, shouldn’t understand. It’s something that shouldn’t be understood. But it’s our job to educate ourselves if we don’t understand.”

Jody Raphael is a visiting professor of law and senior research fellow at the Schiller DuCanto & Fleck Family Law Center. Her book, RAPE IS RAPE, was released April 1, 2013, and is available for purchase online at Amazon.com or in stores at Barnes & Noble.
The Vincentian tradition of service and social justice was alive and well early in the fall semester, with more than 60 first-year law students participating in the College of Law’s second annual 1L Service Day. The 1L Service Day was organized by the Pro Bono & Community Service Initiative (PBCSI) and cosponsored by the Center for Public Interest Law, Office of Law Admissions and University Ministry. Students were accompanied by a team of dedicated site leaders, which included second- and third-year law students, as well as law staff and faculty.

Site leader and College of Law Chaplain Tom Judge praised the service day as “DePaul at its best,” and emphasized that the volunteering goal was “not just to serve,” but to “engage with people, share a little of ourselves with them, and learn about the issues they face.”

The student volunteers worked hard at five different sites: Pacific Garden Mission, Legal Prep Charter Academy, Cornerstone Community Outreach, Catholic Charities Nutritious Food Program Warehouse, and West Communities YMCA. Their jobs included making beds and preparing and serving meals at a homeless shelter, organizing books for a classroom library, sorting clothing donations, packing nutritious food boxes for low-income seniors and children, and cleaning locker rooms and a childcare space.

In addition to providing the students with a chance to engage in hands-on volunteer work, the service day was an opportunity for incoming 1Ls to build community and relax before diving into classes.

First-year student Guadalupe Perez (‘16) found respite through volunteering: “After two hectic days of orientation, the 1L Service Day provided an informal and fulfilling way to meet other law students who place the same importance on community involvement as I do. Not only did I meet new students, but I also learned about a neighborhood and an organization that I would not have necessarily gone out of my way to see or learn about.”

Michelle Cass (‘14), a third-year site leader who was assigned to the Catholic Charities Warehouse, remarked, “It was fantastic to work as a team of law students and be reminded of how wonderful the experience of service is both intrinsically and for the good of others. We had moments of reflection, laughter and community. I was inspired by the turnout of the 1L class, and it made me feel proud and confident in our DePaul community, and excited for what may come from the future stewards of the legal profession.”

Many volunteer site leaders also gained insights about nearby communities and the agencies that serve them. Haley Guion (‘15), a second-year student assigned to the Legal Prep Charter Academy, enjoyed working with books to promote literacy for high school students. “That day, I stepped into another person’s shoes. I was able to see a day in the life of an English teacher and of a student at the Legal Academy. It was very grounding.”

Allen Moye, director of DePaul’s Rinn Law Library, gained new knowledge about Pacific Garden Mission (PGM), a homeless shelter in the South Loop. “My experience volunteering at PGM was very enlightening and rewarding. It is a very well-run organization, providing nutritional and spiritual nourishment to men, women and children who have fallen on difficult times.”

The PBCSI 1L Service Day introduces students to the array of pro bono and community service opportunities at DePaul with the hope that they will continue service work while in law school and beyond. For the Class of 2016, the day was inspirational and thought-provoking and marked the beginning of a long and meaningful journey of service.
Hard Work Pays Off: DePaul Alumnae Rewarded for Dedication to Public Interest

By Hannah Scruton ('15)

Since 2007, the Chicago Bar Foundation has annually awarded $50,000 CBF Sun-Times Public Interest Law Fellowships to five legal aid attorneys. The fellowships are funded through a $2 million cy pres award from a case involving the Chicago Sun Times. Without the burden of law school debt influencing their employment decisions, the awards allow committed advocates to continue serving those most in need. Awardees have made significant financial sacrifices to pursue rewarding careers that benefit the lives of society’s most vulnerable populations. Each fellowship recipient provides vital services to low-income and disadvantaged members of the Chicago community. Of the five 2013 awardees, two are DePaul College of Law alumnai.

Kenya Garrett-Burnett ('04) works at LAF (formerly the Legal Assistance Foundation of Metropolitan Chicago) to provide legal assistance to low-income people living with HIV who are seeking public benefits. Through LAF’s Public Benefits Practice Group, she is able to represent those seeking public benefits, including Social Security, Medicaid and food stamps.

She was recently appointed as the leader of the organization’s HIV/AIDS Task Force. The mission of this task force is to establish community contacts and foster relationships that will allow LAF to better serve HIV-positive people. Garrett-Burnett’s work has been vital to ensuring this vulnerable population receives the assistance they need, and her work will continue to serve many more people.

Erica Spangler Raz ('06) works for the Chicago Lawyers Committee for Civil Rights Under Law. She provides transactional services to Chicago-based community organizations, neighborhood development projects and social service agencies as coordinator of The Law Project’s Nonprofit Legal Assessment Program.

Spangler Raz also developed and oversees the Emerging Nonprofit Certificate Training Program, which provides information to individuals interested in starting nonprofits. Her work with nonprofits has helped create jobs, provide millions of dollars in economic activity, increase affordable housing, social and community services, and instill community-based pride.

“I’m fortunate not only to enjoy the challenge of the legal work, but I also love working with the clients,” Spangler Raz remarked. “It’s refreshing to work with nonprofit founders because they’re so genuinely passionate about wanting to make significant social changes in underserved neighborhoods. They have their full-time day jobs, and they still want to put in another 20 hours a week for no pay, to change the lives of those less fortunate.”

Both women cultivated their commitment to public service while students at DePaul. Spangler Raz volunteered with CARPLS’s legal aid hotline advising tenants facing eviction and later worked in DePaul’s Housing & Community Development Legal Clinic, counseling and providing services to clients on matters such as nonprofit entity formation, fiduciary duties and annual filing responsibilities. Garrett-Burnett worked her way through law school as an HIV case manager. She was also a summer intern at LAF, where she was hired and continues to work today.
Faculty
Leonard Cavise
Sioban Albiol
Linus Chan
Sandra Kupelian
Julie Lawton
Wayne Lewis
Andrea Lyon
Jody Marcucci
Allison Ortlieb
Zoe Robinson
David Rodriguez
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