



The Public Interest Advocate

Spring 2011

DePaul Students Combine Theory and Practice in the DV Pilot Project *by Rochelle Turrisi*

The Domestic Violence Pilot Project is adding a new dimension to the public interest curriculum at DePaul University College of Law. The project has drawn more than 100 students who have offered to volunteer at the Domestic Violence Division of the Circuit Court of Cook County. These students spend at least three hours a week at the court assisting pro se litigants in filling out applications for emergency and plenary orders of protection.

The project is intended to improve the screening process at the domestic violence courthouse. Individuals who come to court seeking protection from abuse are frequently unfamiliar with the process of applying for an emergency order of protection and with the criminal remedies available to them. Law students are stepping up to assist with screening, filling out applications, and accompanying pro se litigants to their hearings.

The project was developed when Leslie Landis, administrator of the Domestic Violence Division, approached the Schiller DuCanto & Fleck Family

Law Center. Judge Grace Dickler, who supervises the Domestic Violence Division, was concerned about the challenges that face pro se litigants. Jody Raphael, a senior research fellow at the center, worked with Landis to develop a volunteer project through which law students could assist pro se litigants with their pleadings and accompany them to hearings. Shaye Loughlin, Director of the Center for Public Interest Law, has also been a key resource since the project's inception, and CPIL continues to be involved in all aspects of the project.

Jenny Ansay, JD '10 and a former CPIL assistant, coordinates the project. The dedicated and diligent Ansay coordinated all of the students' schedules and introduced them to the inner workings of the courthouse. She continues to offer daily assistance to volunteers and has been a great asset to the program.



Professor Deborah Tuerkheimer teaches a course on domestic violence

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John Burge Sentenced to 54 Months in Prison *by Neil Kelley*

On January 20 and 21, Judge Joan Lefkow's courtroom saw what is likely the largest attendance at a sentencing hearing an Illinois federal district courthouse has experienced in quite some time. U.S. marshals ushered people through the bag check and a metal detector and, once the main courtroom was full, to an overflow room where speakers broadcast the testimony that would take up the next day and a half.

Jon Burge, notorious former Chicago Police Department Commander of Area 2, sat quietly through both days, while the government's witnesses recounted experiences of torture at the hands of Burge and the men under his command.

Witnesses also decried the culture of racism they felt pervaded CPD, and the connections between police relations in the city and the historical situation of poverty many black Chicagoans find themselves in. The heartbreaking accounts of the survivors were met with the absolute quiet from the court and its observers.

After the tearful statement of Robin Hobbey, the sister of Madison Hobbey, the man whose case formed the foundation of Burge's perjury and obstruction convictions, Burge looked back at his sister-in-law, Linda Burge, and smiled quickly. During a short break, Burge engaged in small talk

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DePaul Students Spearhead Domestic Violence Pilot Project

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In addition to helping victims of domestic abuse, the innovative project “offers students the chance to gain lawyerly skills, improve their client intake abilities, and become familiar with the court system,” says Raphael, adding “the students are pioneers who are showing us where the problems are in the system.”

Taking advantage of this groundbreaking program, Professor Deborah Tuerkheimer decided to make participation in the project a requisite for her course on domestic violence in lieu of a traditional law school exam. Around 30 of the 100 participating students are enrolled in the class. Tuerkheimer sees the project not only as a way for students to gain experience, but as a means to achieve best practices in assisting pro se litigants.

DePaul students have energetically embraced the project. Ryan Phelps, a second-year student in Tuerkheimer’s course, expressed his hope “that we can help ease [pro se litigants]

into the process and make them feel more comfortable while filling out the necessary paperwork.”

Although the students had several hours of training before volunteering, the real educational benefits have emerged from their experiences. Student Jill Valdes says, “Paperwork isn’t really something you can learn from a PowerPoint – it’s much more of a jump-in-and-get-your-feet-wet thing.”

Students enrolled in Domestic Violence add another component to the project: discourse. In addition to their shifts at the courthouse, the students discuss their various experiences in a guided classroom setting. Their collective observations frequently reveal the legal system’s strengths and shortcomings, the obstacles for pro se litigants, and the confusing divergence of criminal and civil paths to assistance. At the same time, students read and discuss social, cultural, and ideological issues surrounding domestic violence and the law. Through this program, law students are able to bring a fresh perspective to court

while gaining important skills and knowledge to use in practice.

Both Raphael and Tuerkheimer hope the project continues through the summer and fall, and perhaps beyond. “Hopefully we can use the same students this summer and next fall, since they will have experience and can help the new students coming in,” says Raphael. The challenge, however, is funding. The project is funded by grants from the Vincenzian Endowment Fund and the Field Foundation, but at this point the funding does not continue through the fall.

“This class is a trend in education that is catching on and needs to continue at DePaul,” urges Tuerkheimer. Nothing proves this more than the remarkable turnout and participation of more than 100 law students who are changing the way DePaul students learn to become good practitioners.

If you are interested in participating or assisting the program financially, please contact Jody Raphael at the Schiller DuCanto & Fleck Family Law Center.

DePaul Prof. Appointed to Governor's Torture Inquiry & Relief Commission *by Talitha Hazelton*

Professor Cavise, Tell us about your recent appointment by the Governor.

It’s called the Governor’s Torture Inquiry and Relief Commission. I was nominated to this commission as a reaction to all of the publicity that came out about Burge, the Chicago police commissioner who condoned torture under his administration. This commission was actually appointed prior to Burge’s trial and subsequent conviction.

Who is on this groundbreaking commission?

The commission is made up of one law professor, one judge, a couple of private citizens, some criminal defense lawyers, and a couple of prosecutors. There are a number of organizations watching this commission, which is a

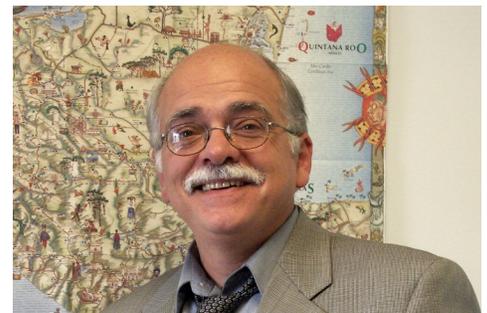
very good thing - it’s important to have community on your back encouraging you to do to the right thing.

What does the commission do?

We follow a statutory mandate to look at all cases of torture in Illinois with priority given to the Burge cases, to evaluate torture in the case, and to make recommendation to the chief judge. We know there are at least 16 cases awaiting review that have already been thoroughly documented and investigated.

How does the commission define torture?

The statute doesn’t define torture, which is a good thing, because we’d like to define it ourselves. I’d personally like to take a very expansive definition as there are more kinds



Leonard Cavise, Professor of Law and Director of the Center for Public Interest Law, earned his B.A. from Hamilton College and J.D. from Georgetown University.

of torture than just physical abuse; sensory deprivation and verbal abuse can fit into the definition of torture. I personally would like to look into the prison system and see which

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Panelists Discuss Torture and Accountability at Guantanamo by Angel Graf

On January 25, 2011, the DePaul chapters of the National Lawyers Guild and Amnesty International, and World Can't Wait hosted "Torture, Guantanamo & Accountability," a panel on focused on the Guantanamo Bay prison and U.S. torture policies. Moderated by DePaul alumnus Ben Meyer (JD'10), the panel featured three distinguished speakers: M. Cherif Bassiouni, President Emeritus of the International Human Rights Law Institute; Candace Gorman, an attorney who has worked with Guantanamo prisoners; and Debra Sweet, national director of World Can't Wait.

Addressing U.S. actions after 9/11, panelists were unanimous in their assessment that the torture policies of the Bush administration have negatively impacted our national reputation. Professor Bassiouni asserted that post-9/11, poor leadership and a sense of vulnerability plagued the government. "It is in these moments of fear that governments think they can shortcut liberty and the legal process to achieve the desired result."

According to Bassiouni, Bush followed the questionable advice of his legal team, rather than demonstrating moral and principled leadership by taking the high ground. This resulted in violations of the U.S. Constitution, military codes, and civil laws, and a loss of domestic and international credibility.

Candace Gorman became involved with prisoners at Guantanamo Bay after responding to a call for volunteers from the Center for Constitutional Rights. The biggest problem, said Gorman, is that the government will not admit its mistakes. "The 'worst of the worst,' as we now know, were nothing more than innocent people who were picked up."

Gorman has firsthand experience dealing with the vagaries of Guantanamo "trials." Her first client was determined not to be a threat and was released to Georgia after being detained for nine years. Her second client remains in Guantanamo although military prosecutors admit that he has no connection to the Taliban or al-Qaeda.

"In some respects, what the Obama administration is doing is worse than Bush," Debra Sweet claims.

She argued that Americans believe that the Iraq war ended and that Guantanamo closed. But more than two years after Obama said he would close Guantanamo, 173 men are still imprisoned there. Sweet pointed out that 89 are on a transfer list, but cannot return to their home country of Yemen. Forty-eight will be detained indefinitely. Although she believes the United States is continuing an "illegal and immoral" war, Sweet worries that it is harder to get people to discuss the prob-



World Can't Wait director Debra Sweet addresses the audience

lem. The government changed the vocabulary, told everyone to go home, and America lost interest.

The problem, according to all the panelists, is that the U.S. policies toward torture and detention continue to feed terrorist groups. The solution is to admit that mistakes were made, release those wrongfully detained, and pursue accountability for those who violated U.S. and international law. U.S. citizens must demand that accountability. Although what form accountability will ultimately take is unclear, Bassiouni still has hope. After all, he argues, even when the system seems to fail, right often prevails.

Professor Appointed to Torture Commission

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correctional officers may in fact, under these definitions, be torturing prisoners. But that's a long way down the road.

If a student wants to get involved, what should she do?

Come to a Torture Commission meeting. The meeting dates are posted on the Human Rights Commission's website, located at <http://www2.illinois.gov/ihr/>.

What advice do you have for a student interested in public interest law?

Learn how to be a lawyer first, so that when it comes time for you to work for a human rights organization, you have something to offer. You don't necessarily get to work right away in the area that interests you most. You kind of have to suck it up for a while, before you get to do what you want to do.

Law students should constantly be asking themselves: how does what you do in law

school and outside of it transform your view of what you want to do with your life?

What is an organization that has helped you both transform and live up to your worldview?

The National Lawyers Guild has always been the only legal organization that takes legal action consistent with its politics. Its politics are in solidarity with the people it represents. The guild stands up to oppression and it does so in solidarity with its clients.

Former Chicago Police Commander Sentenced

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Civil rights attorneys Flint Taylor and Joey Mogul speak to the press after Burge's sentencing



US Attorney Patrick Fitzgerald after Burge sentencing

with Linda, his brother Jeff, and Jeff Fahey, the brother of police officer William Fahey who was killed in 1982. William Fahey's death spurred the manhunt that led Burge to Andrew Wilson, whose torture – including being shocked by Burge's infamous box and handcuffed to a radiator and burned—eventually led to investigation of Burge and Area 2 torture tactics.

Linda and Jeff Burge each read statements about Jon Burge's compassion, his caring, his dedication to the police force and his failing health. Fahey recounted how Burge had personally visited them after his brother's death and recalled Burge's tendency to drop by or call their mother years after the conclusion of the investigation and trials of Fahey's killers.

Burge gave a short statement, apologizing for nothing, expressing his pain about losing the job he loved, and calling attention to the cancer that now plagued his body. Judge Lefkow heard closing statements from each side and at 12:30 p.m. recessed the court until 3 p.m. for final sentencing.

When the court reconvened Judge Lefkow, sensitive to Burge's health concerns, gave him the option of standing in front of the bench as is customary or remaining seated. Burge chose to stand and the Judge began to read her statement. In the halls, activists, members of the black community, and lawyers speculated about how the 21 to 27 month sentencing guidelines would play into the judge's sentence.

Judge Lefkow called attention to Burge's seeming lack of remorse and his failure to take any responsibility or admit any wrongdoing despite several

investigations and this proceeding which found to the contrary. She contrasted the caring man she'd heard about from his family and friends with the man who clearly didn't care about the young suspects in his charge. Judge Lefkow stated that she was moved by the testimony and letters she received from victims describing the torture that Burge and his affiliates inflicted and felt that a sentence within the guidelines would be a mere slap on the wrist.

The judge questioned Burge's motives for lying under oath and concluded he must have thought that pleading the Fifth would "further damage [his] reputation... expos[e] [his] long history of misconduct, and undermin[e] [his] long history of denial that these events occurred."

In the end Judge Lefkow sentenced Burge to 54 months in prison, twice the sentencing guideline's recommendation, followed by three years of supervision.

The end of sentencing was followed swiftly by a press conference, where the reaction was mixed.

Mark Clements, a torture survivor, exclaimed that 54 months was "a travesty compared to what Burge has done to black men and the black community."

Flint Taylor, a People's Law Office attorney who has been litigating torture cases for years, called for investigations into Burge's associates and more indictments.

U.S. Attorney Patrick Fitzgerald responded that he "does not expect" more indictments.

To Fitzgerald, justice had been done. Burge was just "an example of a bad apple, and there are bad apples everywhere."

The community recognized that while the sentence may have been inadequate, Burge had been held accountable. And his victims, who had been called liars for years, left the court with a measure of comfort in the court's validation of their narratives of suffering.

DePaul Grads Learn Nuts & Bolts of Opening Their Own Practice by Cynthia Mazariegos

Law students graduating in 2011 are entering a highly competitive job market. Likewise, a tough job market is exactly what Catherine Brady and Marisol Gallegos were facing when they graduated from DePaul in 2009. However, that did not deter them from practicing law.

In her last semester of law school, Gallegos started thinking about opening up her own practice. This did not surprise her family at all.

“My father is an entrepreneur, and he always wanted me to start my own boutique law firm. But I never thought I would do it right after graduation.”

Although the market was poor, Gallegos did just that, but it was not an easy process. She knew she wanted to focus on immigration law, but she had other important choices to make: Would she practice alone or with other lawyers? Where would she open her office? Would she own or rent office space? Would she charge an hourly rate or a flat fee?

Gallegos brought her idea to her friend and classmate Catherine Brady, asking if she wanted to be a partner in this new project. They both understood it was a serious commitment, and if they were to start their own practice, they needed a lot more information. Gallegos and Brady attended a two-day seminar by the Chicago Bar Association, “Starting Your Own Practice.”

“We received tremendous amounts of information. We learned about different models like LLPs, LLCs, and nonprofits. We chose an LLC, or limited liability company.”

The seminar taught them to estimate how much money they would need to start a practice. They learned options for financing a firm, including personal and small business loans, as well as options for insurance. Brady and Gallegos also contacted their former employers to ask about practical issues like rates. During law school, Brady interned at the International Human Rights Law Institute and Gallegos interned at Centro Romero and the National Immigrant Justice Center. They learned

that flat fees were considered the best option when dealing with a predominantly immigrant population.

After discussing the idea with their loved ones, Brady and Gallegos decided to start a boutique law firm. To finance their new firm, they borrowed one year’s worth of revenue, contributing 50/50 promissory notes to family members who were giving them loans.



Marisol Gallegos '09 and Catherine Brady '09 at their new practice

In addition, Brady and Gallegos started thinking about how to get clients. As new attorneys, they needed to advertise. To do so, they relied almost entirely on networking and word of mouth. They sent out e-mails to organizations, past professors, and fellow graduates.

So how is it going for Brady and Gallegos? Only four months after opening their doors, they were able to give themselves their first paycheck.

As Gallegos put it, “It was a very minimal paycheck. But it was a paycheck.”

Executive Power and the Rule of Law *by David Zwaska*

The American Constitutional Society (ACS) sponsored a lecture at the Chicago Bar Association on January 28, 2011 about presidential signing statements and executive privilege. Professor Peter Shane, from Ohio State University Moritz College of Law, spoke to lawyers and law students as part of ACS's program on "The Rule of Law and Its Status in America." An expert on the topic, Professor Shane recently wrote *Madison's Nightmare: How Executive Power Threatens American Democracy* (2009).

Executive privilege refers to a concept that exempts the executive branch from mandatory disclosure and other interventions by the other two branches of government. Professor Shane believes that executive privilege can be used to advance the rule of law, but problems arise when the president uses executive privilege to defeat accountability.

Professor Shane illustrated how the second Bush administration used executive privilege in drastic ways. According to the President Records Act of 1978, a president's records should become public 12 years after he or she leaves office. However, in 2001, President Bush issued an executive order limiting access to those records – coincidentally, at the same time that President Reagan's records were to be disclosed to the public.

The Obama administration has tried to distance itself from the Bush administration's use of executive privilege. As one of his first executive orders, Obama rescinded Bush's executive order classifying information for national security purposes. Obama also lifted the ban on photographing the coffins of dead soldiers as they return from war. However, Professor Shane pointed out the larger problem of lack of accountability for those who have already abused the privilege. For example, the people who wrote the so-called "torture memos" and those who destroyed the tapes of CIA detainees remain unpunished.

Signing statements allow the president to explain why a bill was signed into law. However, the second Bush administration vastly expanded their use. While presidents from Monroe to Carter made only 101 signing statements, President Reagan began to use them more frequently, and argued that they should be considered on par with legislative history by courts interpreting the laws. President H.W. Bush vastly expanded the power, and the second Bush administration went even further. However, since June 2009 the use of presidential signing statements has been practically abandoned by the Obama administration.

"Fortunately the Obama administration has abandoned this practice," says one audience



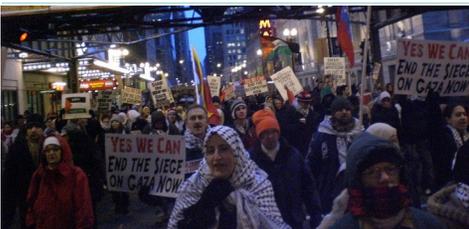
Professor Peter Shane at the Chicago Bar Association

member. "Now we can return to the rule of law as it should be."

DePaul student David Porter reflects, "I had no idea the extent to which the Bush administration tried to unify power in the executive. By departing from the clear intent of the framers that presidential signing statements are to be used cautiously, conservatives in the Bush administration selectively abandon their devotion to originalism, which they exalt in almost every other context."

Perhaps Eric Holder's statement sums up best what it is like after the Bush administration's overuse of signing statements: "It's like cleaning up after a snowstorm."

Defending First Amendment Rights of Activists *by Sami Silverstein*



Protesters exercise their First Amendment rights

In September 2010, after an extensive undercover investigation, the FBI raided the homes of peaceful political activists throughout the Midwest. As a result of the raids, 23 individuals were called to testify before a grand jury.

All those called before the grand jury have remained silent, instead sending a letter to the U.S. Attorney asserting their Fifth Amendment right against self-incrimination.

"I will not testify, even at the risk of being put in jail for contempt of court, because I believe that our most fundamental rights as citizens are at stake," writes Maureen Murphy, in an article for CommonDreams.org.

Professor Leonard Cavise, director of the Center for Public Interest Law, represents two of the subpoenaed activists. He says

activists and the legal community alike are outraged by these violations of First Amendment rights.

"All those subpoenaed made it clear that they would not cooperate with the grand jury," Cavise says. "A mass movement in support of those under attack by the government culminated in demonstrations around the country on January 25, the day that everyone was to report to the grand jury."

The investigations stem from the holding in

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15th Annual PILA Auction Raises \$20,000 for Summer Scholarships *by Gretchen Ekerdt*

The 15th annual Public Interest Law Association (PILA) Auction was held on Friday, March 4, from 6:00 to 9:00 p.m. in the DePaul Center Concourse. Each year, the Auction raises money for DePaul Law students doing public interest work over the summer. This year's earnings totaled approximately \$20,000, a \$2,000 increase over last year and a welcome sum for student organizers and scholarship applicants.

A team of second-year students traditionally organize the auction each year. Jordan Sartell, David Porter, Talitha Hazelton, Nikki Joseph, and Bret Bender made up this year's team.

Although it was organized by students, faculty and staff contributed to the auction's success in numerous ways. Dean Howard Rubin and Professor Wayne Lewis acted as auctioneers, and as always, managed to draw laughs from the crowd.

Third-year student Kelly O'Bryan says, "I try to get a good seat once the live auction

starts. It is pretty hilarious."

Professors donated items such as dinners at their homes, dancing lessons, and networking lunches. Area businesses also donated items for either the silent or live auction. Items auctioned this year included dinners, bowling and dancing with professors, cupcakes from Sprinkles and Alliance, a \$100 gift certificate to hot spot Violet Hour, passes to the (premier fitness facility) East Bank Club, a group trolley ride, and rooftop passes to Brixen Ivy.

Be careful what you bid on, though, or you could end up like Dean Rubin, who quipped, "Why did I sell my bat in the silent auction when I won a baseball in the raffle?"

Area restaurants donated appetizers, sandwiches, and pizzas for people to enjoy during the auction.

For many first-year students, the auction presented their first opportunity to speak with professors outside of the classroom and office hours.

As 2L Bridget Owens put it, "The PILA auction is the Oscars of law school. Everyone comes together to eat, drink, see, and be seen. This year I was part of the group that won dinner at Dean Weissenberger's house, and we are all so excited. Also, the food and beverage selection was really stellar. To sum it up: great times with great people!"

Funds from this year's PILA Auction will be used to support law students doing public interest work with stipends ranging from \$500 to \$3500. Organizations that have employed stipend recipients in the past include the Cook County Public Guardian's Office, the Cook County Public Defender's Office, Lambda Legal, the Center for Disability and Elder Law, the National Immigrant Justice Center, the Council on American Islamic Relations, the Illinois Attorney General's Office, the Wayne County, Michigan Prosecutor's Office, Florida Legal Services Community Justice Project, the Cleveland Homeless Legal Assistance Program, and the Legal Assistance Foundation of Metropolitan Chicago.

Defending Activists' First Amendment Rights

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Holder v. Humanitarian Law Project, which criminalized nonviolent speech or advocacy in coordination with a group declared a terrorist organization.

Michael Deutsch, a partner at the People's Law Office, also represents an activist. He told Z Magazine that the "ominous expansion of antiterrorism law" includes secret, unreviewable designations of groups as terrorist organizations.

"Despite the nonviolent, peacemaking goal of the Humanitarian Law Project, the majority of the Supreme Court interpreted the law to make such conduct a crime," Deutsch said. "Finding a new exception to the First Amend-

ment, the Court decided that any support, even if it involves nonviolent efforts towards peace, is illegal."

Deutsch said that the U.S. Government has seized on the overbroad definition of "material support" for terrorism to pursue peaceful political activists—like Murphy, who worked for a human rights organization in the West Bank.

"The activists ... work with different groups to end the U.S. wars and occupations in Iraq and Afghanistan, to end US military aid for Israel's occupation of Palestinian land and U.S. military aid to Colombia, which has a shocking record of repression and human rights abuses. All of us have publicly and peacefully dedicated our lives to social justice and advo-

cating for more just and less deadly U.S. foreign policy," writes Murphy.

Law student Neil Kelley works with Professor Cavise to defend one of the activists. He said that the targeted individuals are currently in legal limbo. The initial interviews have been cancelled, but the threat of grand jury testimony still looms.

"Many of the individuals subpoenaed are concerned about the nebulous future of the investigation and feel cautious about speaking out, not just about the investigation topics, but anything," Kelley says.

Kelley remains positive. He says these events have inspired the activist community, and many have reached out in support of the

UPCOMING EVENT INFORMATION

Pro Bono & Community Service Initiative
Annual Service Awards

Time: 5:00 pm / April 21, 2011

Location: Rare Book Room, Rinn Law Library

The Pro Bono and Community Service Initiative celebrates student volunteerism and presents awards to students who have completed at least fifty hours of service during the year. Graduating students who have logged over 200 hours of volunteer work receive the prestigious Benjamin Hooks Service Award at this annual event.

For more information, contact Cheryl Price at 312-362-6202 or email cprice13@depaul.edu.

PLEASE CONSIDER DONATING
TO THE CENTER FOR PUBLIC INTEREST LAW

Checks can be made payable to DePaul University College of Law; please indicate on the check that your donation should go toward CPIL and mail to: Shaye Loughlin, 25 E. Jackson, Chicago, Illinois 60604-2219. Thank you for your continued support!

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