



The **ADVOCATE**

March 2010

Health Care: A Right or a Commodity?

The College of Law Commemorates and Reflects on the Legacy of Dr. Martin Luther King Jr.

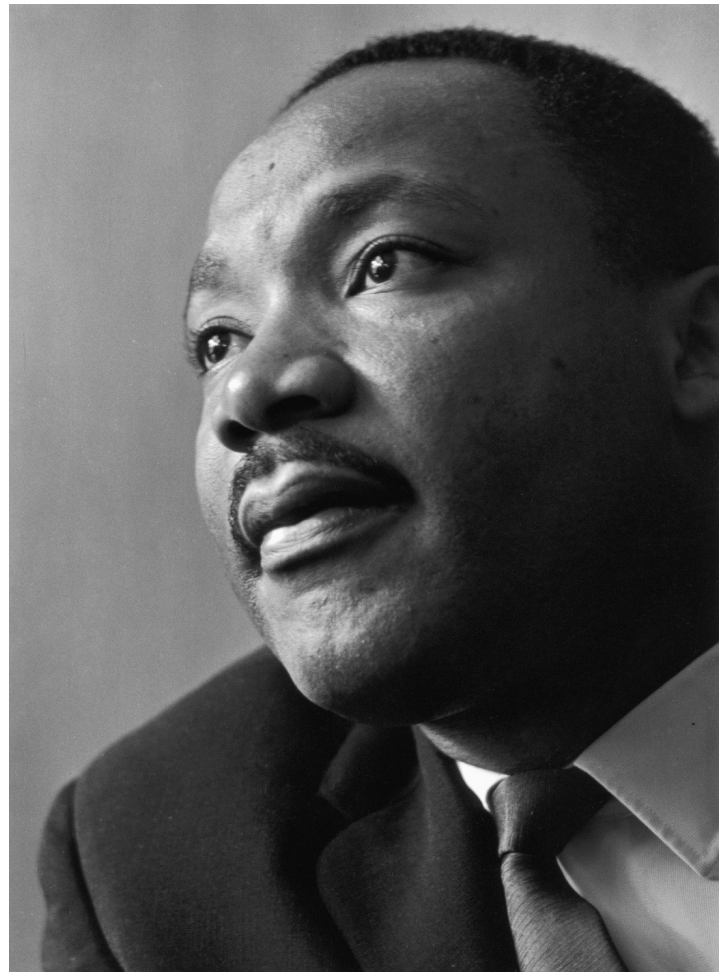
By Max Elliott and Hillary Richardson

Celebrating the work of civil rights leader Rev. Dr. Martin Luther King Jr., in January, the College of Law presented a reflection and commemoration luncheon, which featured Northwestern University Law School’s Kirkland & Ellis Professor Dorothy Roberts as keynote speaker. DePaul’s Office of the President and Office of Institutional Diversity and Equity co-sponsored the program.

In her keynote address, “The New Biopolitics of Race & Health,” Professor Roberts discussed current trends in medical research and

health care, suggesting the focus on race has changed from a political level to a science and health level. Positing that there is a disproportionate impact of health inequities in the United States with respect to blacks and whites, she provided alarming data to support this premise. She explained that in 2000, the ratio of unnecessary deaths among Chicago blacks to whites was 3-to-1; “unnecessary” being defined as deaths that could have been prevented with access to adequate health care and medical technology. In other words, because of various factors, blacks in Chicago do not have access to the type of health care that whites in Chicago do, and therefore suffer the most dire health consequences as a result.

Before the afternoon panel, MPAACT, an



“Of all forms of inequality, injustice in health care is the most shocking and inhumane.”

– Rev. Dr. Martin Luther King Jr., March 25, 1966

“Afrikan Centered Theatre” group, presented a stirring cultural performance, which resulted in engaging conversation between audience and panel members. Professors Sumi Cho and Freeman Farrow also presented scholarship awards to College of Law students Nancy

Continued on page 4

In this Issue

- Hook Service Award 2
- UMIN Profile 2
- Alumni Profile 3
- DePaul Brief Cited 3
- Capital Defense Team.. 5
- Service Trips 6

The Benjamin Hooks Service Award

By Vanesa Pineda

Lawyer. Minister. Judge. Civil rights leader. There are but a few examples of the many ways to describe Benjamin Hooks ('48), the man for whom DePaul has named its highest student award for public service.

Following the footsteps of his grandmother, the second black woman to attend college in the United States, Hooks strived for and achieved a higher education despite legal and institutional barriers. Yet, Hooks experienced segregation and discrimination at its worst.

While in college in the 1940s, his skin color, along with rampant racism, forced him to eat at a separate lunch counter, drink from a separate water fountain, and use a separate restroom. But he was not deterred, and continued his educational pursuit in attending law school.

DePaul, founded on a Vincentian mission to advocate for the acceptance of all people, opened the door to Benjamin Hooks, and in 1948, he reached his goal and graduated



from the College of Law.

After passing the Tennessee bar exam, he continued to experience discrimination. In an interview with *Jet* magazine he remembered his days as a young black lawyer: "At that time you were insulted by law clerks, excluded from white bar associations and when I was in court, I was lucky to be called Ben," he continued, "usually it was just 'boy.'"

While a Memphis lawyer working to break down the barriers of segregation, Hooks expanded the scope of his advocacy and became minister of the Middle Baptist Church of Memphis in 1956. Less

(Continued on page 7)

UMIN Brings Balance and Spirituality to the Loop Campus

By Sufyan Sohel

Finding a balance between law school and life can be very challenging at times. For those students who seek to add, strengthen or nurture spirituality in their lives, University Ministry (UMIN), offers an open door to great people and programs aimed at providing law students with opportunities for spiritual exploration, service and social justice, liturgy and prayer, faith development and self-discovery.

Tom Judge, the law school's chaplain, practiced law in Iowa before he began graduate studies in divinity. He is aware of the pressures and stress that law students face and seeks to provide a healthy and meaningful environment and experience for all DePaul law students.

"Tom Judge is a great resource for students seeking to become involved in public service. He is connected to public service organizations throughout the city and is always very excited to share his wealth of knowledge with students," comments second-year law student Caroline Manley.

Judge and the rest of the staff involved with UMIN in the Loop are always looking for new ways to engage and provide resources for the ever-busy law student. They offer programming that fosters the school's Vincentian identity, which is epitomized by service and affirmation of human dignity.

UMIN sponsors Catholic Mass, Zen practices and yoga each week in the Lewis Chapel. UMIN also sponsors various service-immersion trips, taking students around the nation to serve those less fortunate as well as to engage students in finding meaning in their legal careers.

This semester, UMIN in the Loop sponsored some great events for law students. In February, it hosted a multi-faith online "Busy Person's Retreat." Whether the student is Catholic, Protestant, Jewish, Muslim, Zen, Buddhist or Humanist, he or she can spend some time each day in simple reflection, online, at their own pace.

(Continued on page 7)

ALUMNI PROFILE: Phillip J. Mohr (JD '91)

By Nickole Miller



Title: Deputy Director, Chicago Volunteer Legal Services

ships have an impact on your practice. Working and learning from her kept me at CVLS,” says Mohr.

When Berman retired in 1996, Mohr became the family law director, and in 2004 he took on added responsibility as deputy director of CVLS.

Entering law school, did you know you were interested in public interest law?

No, I knew that I was interested in working with and helping people. I wanted to provide a service to people and was initially drawn to medicine or psychology. There were no attorneys in my family or social background and I did not really know what the law was about. It was Professor Lewis’ contracts course that gave me my first concrete understanding of what the law could do. Later in a family law course I realized how substantially the law can impact the everyday lives of individuals.

What is the best part of your job?

The people. I like working with the clientele. I find that despite their

situation, they are continuing to fight to make things better for themselves and you get to be a part of that. Segments of our society don’t have access to many necessary services. To be treated fairly, access to legal services is the most important one. I’m helping someone by providing them with a unique set of skills and giving them a concrete solution to a problem. I also have great, supportive people to work with.

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

Get some experience, become engaged with your school, gather information and participate in programs. As a student, it can be helpful to take advantage of school term volunteer opportunities and externships to get a foot in the door, rather than just competing for the limited summer public interest positions. Law school is the time to take chances. Try various things and discover what you are most interested in.

While studying at DePaul University College of Law, Phillip J. Mohr interned with Chicago Volunteer Legal Services (CVLS). This experience gave Mohr his first taste of public interest work and exposed him to public interest law as an “arena to have a concrete impact on individuals.”

Upon graduation, Mohr returned to CVLS as a staff attorney. Under Bernice Berman, the former Family Law Director, Mohr began work in the organization’s family law program. He cites working with his late mentor as a unique experience; through her direction and support he developed an interest and passion for family law.

“Mrs. Berman was well-known, respected and a character. From her, I learned that experience and relation-

Inter-American Court of Human Rights Cites DePaul Amicus Brief

By Theresa Kleinhaus

The International Human Rights Law Institute (IHRLI) recently made international law news when the Inter-American Court of Human Rights quoted an amicus brief submitted by IHRLI in a recent decision. The case focused on the Dos Erres massacre, which occurred during the civil war in Guatemala in 1982, and documented how the

Guatemalan Army raped, tortured and killed more than 250 people with the knowledge and participation of the government. The brief was written by IHRLI Managing Director of International Programs Daniel Rothenberg, human rights attorney Daniel Thomann, and a group of DePaul law students including Alex Konetzki and Public Interest Law Initiative Fellow Ben Sandahl.

The IHRLI brief argued that the victims have a right to an investigation under international law and that the massacre was part of a widespread and systematic policy of repression instituted by the state of Guatemala at that time.

In its December 2009 decision, the Inter-American Court ordered the government of Guatemala to pay

(Continued on page 7)

Health Care: A Right or a Commodity?

(Continued from page 1)

Aguirre, Damon Ritenhouse, Angelica Flores and Caroline Manley. This year, the essay topic centered on the relationship of proposed health care legislation in relation to Dr. King's belief that equality in health care is a measurement of justice.

In addition to thought-provoking remarks by Professor Roberts, the afternoon panelists discussed the subject of health care as it relates to the African-American community. Participants included Professor Brietta Clark, Loyola Law School Los Angeles; Associate Professor Kimani Paul-Emile, Fordham University School of Law; and Associate Professor Ruqaiyah Yearby, University of Buffalo Law School.

Professor Clark presented on how race, economic status and disability affects the ability to navigate the web of federal, state and local laws that administer health care. She focused on equal access to care, which is

supposed to be guaranteed by law, but in practice often fails. For example, insurance companies routinely refuse to pay for services like speech or occupational therapy for people with mental or developmental disabilities, claiming they are not eligible for this type of medical care. However, they cover the same services for people who have suffered stroke or physical injuries. Professor Clark pointed out that federal laws are supposed to prevent these disparities, and that states have a responsibility to ensure that everyone has equal access to care.

Professor Yearby followed and focused her presentation on the direct effects of racial discrimination on overall health. While she acknowledged that there is more genetic difference between individuals than there is between races, she pointed out that there are still huge disparities in actual health of people of different races, stemming directly from individual and systemic discrimination. She as-

serted that before we rush to blame genetics for racial disparities in health care, we need to identify what truly separates us—the perceptions about who we are.

Professor Paul-Emile discussed the history of race and ethics in health care, from the experimentation conducted by the Nazis in concentration camps to the infamous Tuskegee Institute syphilis experiments on poor black men conducted up until the 1970s. She made the connection to ethical questions health care providers face today in which race plays a key role, most notably the recent decisions of some hospitals to stop providing treatment to undocumented immigrants. She also spoke about the need to reframe the health care debate by regarding health care as a basic human right.

For those present, the day's reflection was both emotional and enlightening. According to third-year student Jessica Schneider, "The speakers did a good job of tying the



Dorothy Roberts, Kirkland & Ellis Professor of Law at Northwestern University

very timely issue of healthcare to issues of racial disparities and discrimination. I left feeling like I had learned a lot, and it definitely captured the spirit of Martin Luther King."

By proposing health care be considered a basic right, the presenters challenged attendees to continue Dr. King's legacy of working for a more just society.

The DePaul Law Capital Defense Team

By Jessica Schneider

Every day you will find students working hard in the Death Penalty Clinic, led by nationally renowned capital defense attorney and Professor Andrea Lyon. Student work also is supported by Clinic Coordinator Mary Bandstra, Investigator Mort Smith and Mitigation Specialist Jeanene Barrett. Together, they form the capital defense team.

In this yearlong clinic, students have the flexibility to begin in the spring or fall semester, assuring that there are students familiar with the cases in the clinic at all times. Students also have the option to enroll in a third semester to receive more advanced instruction.

The clinic handles a variety of work, including trial level federal and state capital cases, as well as post-conviction and occasional clemency petitions for indigent clients, whose cases may not always be capital, but are serious convictions. In addition to working on the cases, students answer hundreds of prisoner letters both from Illinois and out of state.

The classroom component allows students to learn about all aspects of death penalty law as well as policy considerations, a complement to the daily practicality of work. Students participate in every aspect of the cases, from motions

research and writing to investigation, depositions, and mitigation, gaining invaluable experience in the criminal defense field.

First semester clinic student Yvette Lopez says, "I really enjoy working on a real case and writing real memos. I feel like my work matters. Someone depends on what I am doing and it is not all just for a grade! Not to mention how amazing it is to work for something I believe in: social justice."

Students are also encouraged to attend court hearings and visit clinic clients. Though many are detained in different areas throughout Illinois or even the country, Professor Lyon encourages students to meet the clients and emphasizes its importance. Most students will go to court or visit prison facilities at least once, if not more, during their time in the clinic. In addition, students with a 711 license can argue in court if the opportunity arises.

Despite the gravity of the issue, students return day after day because they are impassioned about their work and invested in the outcome.

Clinic student Annie O'Reilly says, "The clinic really made me appreciate the DePaul ideals of not

discriminating against anyone and helping the poor; this clinic makes me very glad to be a DePaul law student."

The clinic is unique because the duration of capital cases often prevents students from seeing the final outcomes. But many small victories and motions are won along the way. Clinic students quickly become close to one another, because the seriousness of the cases demands a cohesive team and requires a high caliber of work and a dedication to help those who need it most.

All second- and third-year students are eligible to participate. To receive an application, please contact Mary Bandstra at mbandstr@depaul.edu.

Service Immersion Trips Mark their 5th Anniversary by returning to New Orleans and starting a new trip to Washington, D.C.

The Inaugural service trip to Washington, D.C.

By Damon Rittenhouse

As we set out for Washington, D.C., in the early morning hours of January 3, I found I could barely sit still or hold a thought in my head. I felt the excitement of a man setting out on a long journey whose end is uncertain. Having never visited our nation's capitol, it existed only in my imagination. The opportunity to see how the reality of the city matched my expectations was an exhilarating prospect.

The most striking aspect of the trip was the variety of people we had the opportunity to interact with during our various service activities and meetings throughout the city. There were the people who were homeless and hungry that we served meals to, the volunteers who worked tirelessly to ensure those meals were provided every day, the lawyers who represent the poor in court, and the lobbyists who bring attention to the plight of the least fortunate. While these people varied tremendously in age, race, edu-

cation and socioeconomic status, there was a common strain of humanity among them all. This notion underscored the dominant theme of the trip, that regardless of circumstance, we are all human beings.

The experience in D.C. affected all of the trip participants in ways both dramatic and subtle. Our experiences left us all with indelible memories of time shared as a group as well as individual impressions we formed in brief moments of reflection over the course of a hectic, yet extremely fulfilling, week.

Students remain committed to helping rebuild New Orleans

By Christine Chen

Over winter break I had the opportunity to return to New Orleans with 13 other law students to help rebuild homes that were destroyed almost five years ago in Hurricane Katrina. We worked with a wonderful nonprofit organization called St. Bernard Project (SBP). SBP works in the St. Bernard Parish community to



Rittenhouse and fellow students volunteering at a soup kitchen in Washington, D.C.

rebuild homes for senior citizens, people with disabilities and families with children who cannot afford to have their homes rebuilt by professional contractors.

The Topey family, like many others in post-Katrina New Orleans, was no stranger to hardship.

Currently, Mr. Topey lives in a FEMA trailer with his wife and 4 children. Since they cannot all fit into one trailer, they live in two separate trailers. There is no room for the family to enjoy simple things like watching television or having a meal together. "No family should have to live like this," said Mr. Topey.

I had the chance to be part of rebuilding the Topey family home. Our team primarily worked on mudding and sanding the interior walls of their home. I was surprised to see how much work our team accomplished in one short week! It was extremely rewarding to know that our efforts brought the Topeys one step closer to the completion of their home so that they could finally begin to resume a normal life. I am excited for the Topeys to finally have that first family meal together. I know it will be a memorable one.

UMIN Brings Balance and Spirituality to the Loop Campus

Continued from page 2

UMIN regularly co-sponsors programs about social justice with the Center for Public Interest Law (CPIL) and the Public Interest Law Association (PILA). In March, UMIN co-sponsored a “Values in Practice” panel with the PILA. The panel brought together DePaul law professor and re-

nowned anti-death penalty advocate Andrea Lyon with Chicago attorney and activist Jeannie Bishop to discuss the topics of truth, reconciliation and the elimination of the death penalty.

Also planned is a “Law Students in Balance” program, an integrative series that will teach skills in balance, well-

ness and spirituality. The program aims to help busy law students find balance through healthy practices such as yoga, meditation exercises and personal reflection.

Judge summarizes the mission and goals of UMIN, saying, “We really try to help members of the DePaul community find a greater

sense of meaning in their lives and hopefully move to a place of deeper self-knowledge.” His statement is clearly exemplified through his and UMIN’s dedication and service to the DePaul community.

If you would like to learn more about UMIN in the Loop, please contact Tom Judge at tjudge@depaul.edu.

The Benjamin Hooks Service Award

Continued from page 2

than a decade later, he was appointed executive director of the National Association for the Advancement of Colored People (NAACP). He subsequently became the first African-American appointed to the Federal Communications Commission. More importantly, he served as an advocate for the civil rights of all individuals.

Today, the law school that first opened the door for Benjamin Hooks more than 60 years ago, continues to support a Vincentian tradition of service and advocacy. DePaul not only provides access to legal education to a diverse student body, but

also serves the community through a wide variety of clinics and public service opportunities.

The Benjamin Hooks Service Award is a tribute to Hooks’ dedication and service to those in need. The award honors graduating students who exemplify the Vincentian ideals of social justice and log over 200 hours of community service and pro bono work.

Inter-American Court of Human Rights Cites DePaul Amicus Brief

Continued from page 3

the victims’ families \$3.2 million. The court’s decision made reference to and adopted the reasoning outlined in DePaul’s amicus brief.

IHRLI has worked on behalf of human rights victims in Latin America for the past 15 years. The Jeanne and Joseph Sullivan Program for Human Rights in the Americas funds students and scholars to work in Latin America at both the Inter-American Court of Human Rights and for non-governmental organizations throughout the region. As part of its programming, IHRLI also supports a student-run

project on indigenous women’s rights, trains local human rights advocates and offers a summer program in Costa Rica. IHRLI also is preparing a more accessible version of the Guatemalan Truth Commission’s final report on the country’s 36-year civil war. The acknowledgement of DePaul’s amicus curie brief in the Inter-American Court decision is further evidence of the growing importance of international human rights law research and advocacy.

Calendar of Events

- 4th Annual Vincentian Public Interest Law Symposium
on Immigrant and Criminal Detention ... March 16–17
- Service Trip to Appalachia March 22–26
- NLG Midwest Regional Conference March 26–28
- Journal of Women, Gender, and the Law Symposium on
Interstate Sexual Trafficking April 8
- Distinguished Scholar Lecture by Prof Margaret
Montoya of UNM Law School April 14
- PBCSI Service Award Ceremony April 21
- Pro Bono Toolkit CLE April 28

**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!

The Center for Public Interest Law Committee

FACULTY

Leonard Cavise, Director

Sioban Albiol / Linus Chan / Sarah Klaper / Sandra Kuplein /
Wayne Lewis / Andrea Lyon / Allison Ortlieb / Sara Ran-
kin / Song Richardson / Jeffrey Shaman / Song Richardson /
Allison Tirres

STAFF / ALUM

Margaret Duval, PBCSI / Tom Judge, UMIN / Shaye Lough-
lin, CPIL / Alisa Rosales, LCS / Stephanie Villinski ('03)

CONTRIBUTORS / EDITORS

Max Elliot / Hillary Richardson / James Van Zant / Jordan
Sartell / Shaye Loughlin / Kortney Moore / Vanessa Pineda /
Sufyan Sohel / Nickole Miller / Tess Kleinhuas / Jessica
Schneider / Damon Rittenhouse / Christine Chen

Newsletter and sources available on the web!
www.law.depaul.edu/cpil