Selected Law Review Articles


- The authors examine community legal education projects that law school clinics have incorporated into their clinical work (alongside individual representation and legislative advocacy work). Of particular interest is the work of the University of Baltimore School of Law's Family Law Clinic and the Catholic University Columbus School of Law's Families and the Law Clinic discussed in the article. The authors argue that in the case of domestic violence, services beyond mere courtroom assistance are especially important in fully assisting survivors and in preventing future violence before litigation becomes necessary. The Baltimore clinic emphasized to students that community legal education was as important as individual representation in bringing about changes for survivors of domestic violence. The students developed an event including presentations about domestic violence resources and domestic violence in the Muslim community, a discussion with the audience, and provided a folder with handouts and information. The Catholic University of America's clinic provided legal representation and services every month and invited survivors of domestic violence to come to the clinic for educational presentations as well as individual consultations. The authors also discuss the various challenges the clinics have faced as well as their successes.


- Carey advocates for a broader approach by law schools’ domestic violence clinics to issues facing survivors, arguing that the current model focuses only on family law and ignores the needs of clients in the areas of public benefits, immigration, housing, mortgage foreclosure, tort, and financial areas. Carey contends that a broader approach to each individual client’s needs will reveal broader systemic problems influencing domestic violence that clinics should also address. She provides examples of this “holistic” representation and advocacy by examining *MKB v. Eggleston* and the work of the Domestic Violence Clinic at Yale Law School.

The authors discuss their experience with two integrated legal clinics; the Housing and Employment Law Clinic at the University of North Dakota School of Law is of particular interest. The clinic focuses on raising awareness about needed housing protections for victims of domestic violence and developed presentations on housing rights for survivors along with the North Dakota Council on Abused Women’s Services. The authors emphasize that integrated clinics such as this that use multiple strategies to achieve social change and teach students a broad range of skills are of particular benefit to both students and the community at large.


Lowe presents her experience in creating a domestic violence clinic at Thomas M. Cooley Law School for the benefit of others hoping to do the same elsewhere. She discusses the beginning of the clinic, including selection of a partner organization to create the blended clinic, the process of starting to offer services, and the role of students, as well as frank discussion of the clinic’s successes and failures. She also situates her own clinic within the various potential models of clinics, calling her own clinic a “blended hybrid” clinic because the school had a partnership with a legal provider and the students had both in-house clinicians and lawyers from the partner office. Finally, she discusses the role of lawyers and clinicians in the clinic.


Breger and Hughes advocate for the foundation of clinics emphasizing family violence law, arguing family violence law is an essential subject for students to learn to practice law and provides many benefits. They explain that family violence-centered clinics reenergize and provide critique of the overburdened family court system, teach basic, specific lawyering skills, expose students to an area of law undergoing change which touches every other area of law, and inspire students to practice family violence law into the future. Breger and Hughes also share their experience in founding a child advocacy clinic at St. John’s University School of Law and explain the steps along the way. They explain that determining the clinic’s mission by selecting the type of family violence law was the first step. Next was securing funding and commitment from the law school. Finally, they outline the process of actually establishing the clinic, including collaboration across disciplines and a focus on community outreach.

Benson discusses the benefits of interdisciplinary domestic violence legal clinics which provide services both inside and outside the courtroom to survivors of domestic violence. Benson draws on examples from interdisciplinary domestic violence clinics to discuss the benefits and challenges such clinics face and proposes solutions. She notes that the primary benefits to interdisciplinary domestic violence clinics include a better, broader range of services to clients, improved student education including exposure to other disciplines and better skills in working with clients, the chance for clinics to get law students involved in community development, and social progress in the area of domestic violence. The issues she identifies facing multidisciplinary domestic violence legal clinics including ethical issues related to supervision and professional independence, confidentiality, attorney-client privilege, and conflicts of interest.

Mary A. Lynch, *Designing a Hybrid Domestic Violence Prosecution Clinic: Making Bedfellows of Academics, Activists, and Prosecutors to Teach Students According to Clinical Theory and Best Practices, 74 Miss. L.J. 1177 (2005)*.

Lynch shares the story of the creation the Albany Law School Domestic Violence Prosecution Unit and provides notes and reflections about each step of the process. The unit is a hybrid clinic that includes a partnership with a district attorney’s offices, and supervision from both a clinical instructor and outside lawyers. Lynch explains the process of determining what type of clinic would best serve the needs of the students, community, and domestic violence survivors as well as setting goals and structuring the clinic. She also outlines the lessons she learned from efforts to develop the unit. She notes that the most rewarding aspect of the clinical experience for students is the opportunity to have real clients with whom they can empathize and learn to represent. Lynch provides useful advice and reflections for those looking to start a domestic violence clinic.


Johnson focuses specifically on the application of critical theories into the curriculum of the Women and the Law and the Domestic Violence Clinic at the Washington College of Law at American University. The article discusses theories about clinical education, noting the many opinions about effective clinical legal education and concluding that the use of feminist legal theory in a domestic violence clinic helps students to develop theories for a case, focus on the clients, develop skills in interviewing and counseling, and find their place within the broader scope of the legal community. Next, Johnson focuses on implementing feminist legal theory in a domestic violence clinic, specifically considering its critique of issues of gender in relation to attorney and client roles and within legal institutions. Johnson concludes with a discussion of the integration of critical legal theory and legal education in her own experience.
with clinics, outlining how she and her colleagues used critical theory (including the structure, curriculum, practical application of skills, and readings and exercises of the clinic).


- O’Leary discusses methods of assessing a clinic’s success in light of its social justice goals. She describes methods for both selecting clients and evaluating and improving the services offered to clients. She argues a community-based approach to a clinic’s social justice goals is most effective and makes recommendations for how to assess and improve a clinic’s work.


- Beck focuses on a number of efforts to raise awareness about issues in domestic violence at the University of Missouri. The article discusses the Law School Family Violence Program which includes the Family Violence Clinic as well as a course, Advocacy, Family Violence, and Public Policy. In the clinic, law students represent indigent battered women and abused children to obtain orders for protection and in protective custody cases. The clinic also focuses on social justice projects and legislative efforts for the benefit of battered women as a group, including interdisciplinary projects with other campus departments. The MU Family Violence Program also participates in an inter-university clemency project that brings together several Missouri law schools to identify battered women convicted of killing their abusive partners, prepares clemency petitions for them, and submits them to the governor of Missouri. The article also outlines funding sources for the Law School Family Violence Program, including funding from the Altria Corporation and grants from the Missouri Department of Public Safety.


- Two law students agree with the ABA’s call for further inclusion of domestic violence law into the law school curriculum. One aspect they discuss specifically is including domestic violence law in a clinical setting as it will teach students about the dynamics of domestic violence issues and equip them with tools to handle situations as they arise. They also acknowledge the benefit to the community in having law students provide services to survivors in school, which would hopefully translate to dedication to the issue after graduation.

- The article primarily focuses on the systemic problems facing battered women defendants, who receive ineffective legal counsel at a disproportionate rate. Part V focuses specifically on integrating domestic violence law into legal education because law school offers many opportunities to do so, whether it is done through dedicated clinics, existing or specialized courses, legal advocacy programs, or symposiums or conferences at school.


- Buel advocates for an incorporation of domestic violence law into legal education led by advocates of battered women. She emphasizes the importance of responsibly addressing race and class issues that are involved in domestic violence issues. Buel calls on law schools to include domestic violence law into their curricula by incorporating it into existing courses, offering clinics and seminars, and encouraging student-run advocacy programs.


- This symposium brought together a number of academics and practitioners with interests in women’s issues, domestic violence, tort law, criminal law, family law, and a variety of other topics. The purpose was to discuss the omission of an understanding of how domestic violence can impact the lives and legal claims of client from a law school education and how lawyers are unprepared to assist survivors of domestic violence with the vast array of issues they may face. The speakers emphasize the importance of a full theoretical and psychological understanding of issues in domestic violence for law school graduates.


- The article focuses more on developments in domestic violence law generally, but does focus one of its sections on summarizing how law schools include domestic violence in their curricula. The article explains the ABA Commission on Domestic Violence’s efforts to influence law schools to educate students about domestic violence and highlights the successes.

- Enos and Kanter discuss the Boston Medical Center Domestic Violence Project, an opportunity for first-year law students at the Northeastern University School of Law to get involved in an interdisciplinary clinical experience. The students work in the emergency department of Boston Medical Center to provide services to survivors of domestic violence. The article gives a full explanation of the program and also discusses its challenges and successes.


- St. Joan and Ehrenreich offer insight into their clinic, the University of Denver’s Battered Women’s Clemency Reform Project, in which students petition the governor of Colorado for clemency on behalf of women convicted of killing their batterers. The article tells the story of the survivors. It also outlines the process of creating and running the clinic, including how to select clients. It further discusses and critiques the law of clemency and how to specifically petition for clemency. The article focuses on handling media and political criticism of such projects.


- St. Joan discusses her experiences with the Domestic Violence Civil Justice Project at the University of Denver College of Law, a clinic that combines the services of attorneys and social workers. She focuses on the confidentiality issues that can arise in an interdisciplinary setting, mostly related to problems caused by the differing duties of lawyers and social workers. She explains the clinic’s structure and suggests improvements to their approach, reviews the literature on interdisciplinary collaboration and its success, suggests the use of a confidentiality wall (which prevents certain professionals from accessing specific client information) to maintain professional ethics, considers the effectiveness of this confidentiality wall, and proposes solutions for leaks in the confidentiality wall.


- The authors discuss their use of social research in the interdisciplinary Domestic Violence Civil Justice Project at the University of Denver College of Law. They include the results of their research on what the clinic was accomplishing. They emphasize that although their social research and the clinical education have
different goals, conducting research in the clinical setting helps evaluate success, correct errors, and can motivate those involved in the clinic.


- The authors explain the work of the Domestic Violence Institute at the Northeastern University School of Law, which gives students the chance to provide advocacy services to individual survivors and engage in research in a multidisciplinary, community-based setting. The article explains the goals of the institute, describes its programs and activities, and discusses the challenges the founders have faced in the institute’s development.


- This transcript from the symposium discusses issues for battered women in general. It also outlines the work of the Battered Women’s Rights Clinic, for survivors of domestic violence, and the Family and Child Protection Clinic, which represents women in abuse and neglect cases, at the Fordham University School of Law. The Fordham School of Law also participates in an interdisciplinary program called the Family and Child Advocacy Center with the School of Social Work.


- This report from the ABA Commission on Domestic Violence discusses the seriousness of domestic violence and how it should be incorporated into legal education. It discusses the benefits of integrating domestic violence law into law school curricula, including a discussion of its inclusion in clinical programs. The report also discusses ways to involve the community in law schools’ programs as well as acknowledging the challenges of introducing domestic violence law into education.


- Cahn and Meier impart wisdom gained from the Domestic Violence and Feminist Jurisprudence Peer Exchange. The article provides an overview of seven domestic violence clinics as well as accompanying courses. The exchange revealed a need to move beyond stereotypes in teaching and advocacy,
especially when considering children of batterers and survivors, the experiences of battering parents and survivors, and the cultural lenses that impact battering.

**Deborah Epstein, *Fighting Domestic Violence in the Nation’s Capital, 3 Geo. J. on Fighting Poverty* 93 (1995).**
- Epstein discusses the efforts of Georgetown Law in combatting domestic violence. The article discusses student representation of survivors through a clinic and the Emergency Domestic Relations Project, a program within the clinic that provides high volume services to survivors who need civil protection orders.

- Barry argues that law school clinics place too much emphasis on litigation to the detriment of the indigent communities they work to serve, causing clinical students to see their clients as one-dimensional, poor, and helpless and also skewing students’ views of the impact lawyers can have on working for change within an entire community. She examines the broader approach of the Families and the Law Clinic at Columbus School of Law at the Catholic University of America as a positive example of a law clinic’s efforts to serve its community. The program balances the litigation approach with what she argues are more effective community projects geared toward fixing the underlying causes of domestic violence, including education, support groups for survivors of domestic violence, and legal reform efforts.

- Merryman surveys law school domestic violence programs (as of 1993) including seminars and clinics. She then argues domestic violence ought to be included more broadly in law school curricula and explains that domestic violence is a valuable area of law for students to study because students can grasp a deeper understanding of the social, theoretical, and legal issues involved and can learn that the law can change the lives of survivors. Merryman also outlines the expansive number of topics domestic violence law touches on and offers suggestions for those starting clinical programs in domestic violence law.

**Joan S. Meier, *Notes from the Underground: Integrating Psychological and Legal Perspectives on Domestic Violence in Theory and Practice, 21 Hofstra L. Rev.* 1295 (1993).**
- Meier provides a comprehensive account of domestic violence and the law. She argues that because domestic violence implicates law, psychology, public policy, medicine, public health, and sociology, law schools offering services to survivors are well-advised to take an interdisciplinary approach to fully address the
clients’ needs. Meier advocates for continued communication between the social science and legal communities in developing understanding of domestic violence. She discusses the George Washington University National Law Center’s Domestic Violence Advocacy Project, an interdisciplinary domestic violence legal clinic where she teaches. She explains the value of the interdisciplinary approach both in terms of benefits to the clients and in what students learn about serving as lawyers who can build a relationship with and properly counsel their clients. She identifies and discusses specific areas lawyers often find challenging that the clinic addresses: noting and handling the danger of potential legal action, dealing with potential ambivalence clients may have about legal action, and the emotional responses domestic violence cases elicit in all players involved in the system. She also addresses the challenges of teaching a domestic violence clinic with an interdisciplinary approach.


- The authors offer an explanation of the process they used to establish a program, the Yale TRO Project for Women, in which students obtain temporary restraining orders for battered women. They argue the project helps get women the emergency assistance they need and which other organizations do not have the resources to supply, as well as increasing awareness of battering, providing experience for students, and fostering cooperation between the school and the community.