



American Bar Association



**American Bar Association's 12<sup>th</sup> National Conference on Children and the Law  
ABA Center on Children and the Law (CCL)**

in partnership with  
**Harvard Law School Child Advocacy Program (CAP)**

***"Promoting Children's Interests: Preparation, Practice & Policy Reform"***

**April 13-15, 2007, Pound Hall, Harvard Law School, Cambridge, Massachusetts**

## **AGENDA**

***REGISTRATION*— POUND HALL, Second Floor  
Lobby outside John Chipman Room  
Begins 7:30 A.M. on Friday, April 13th**

## **FRIDAY**

7:30 a.m. – 8:30 a.m. Austin Hall Rotunda, Light Breakfast

### **PRE-CONFERENCE SESSIONS -- 8:30 a.m. to noon**

#### **Austin Hall West— Involving Children and Youth in Dependency Court**

This training will explore important issues regarding children and youth involved in the dependency system, including: the roles children and youth should play in court hearings, case planning and preparation; considerations for ensuring the highest quality legal representation; and national best practices for working with children and youth in dependency court. Special emphasis will be placed on the importance of judges, agency attorneys, parent's attorneys, children's attorneys and advocates, knowing what to expect developmentally from the children and youth involved in their cases and the extent to which it may be appropriate for them to participate meaningfully in the process. The session will include a presentation on child development from birth through adolescence and substantive legal discussion and practice tips from experienced attorneys. *Presented by the ABA Center on Children and the Law's National Child Welfare Resource Center on Legal and Judicial Issues, State Projects staff, and Partners in Program Planning for Adolescent Health staff.*

- Heidi Redlich Epstein, Assistant Director of State Projects, ABA Center on Children and the Law, Washington, DC
- David Kelly, Assistant Staff Director, ABA Center on Children and the Law
- Kristin Kelly, Research Associate, ABA Center on Children and the Law, Washington, DC
- Andrea Khoury, Assistant Staff Director, ABA Center on Children and the Law
- Eva Klain, Director of Child and Adolescent Health, ABA Center on Children and the Law
- Anne Marie Lancour, Director of State Projects, ABA Center on Children and the Law
- Mimi Laver, Director of Legal Education, ABA Center on Children and the Law
- Debra Jenkins, Assistant Staff Director, ABA Center on Children and the Law
- Brenda Shum, Assistant Staff Director, ABA Center on Children and the Law
- JoAnne Solchany, Assistant Professor, School of Nursing, University of Washington, Seattle, WA

## **Austin Hall East— Enhancing State Child Protection Oversight Mechanisms: State Child Advocate Offices, Ombudsmen, Citizen Review Panels and Beyond**

Experts on various forms of governmental and citizen oversight of child protective services (CPS) system operations, including those that focus on the investigation and resolution of individual complaints, will describe how these programs have evolved, and participants will be encouraged to share experiences of their oversight mechanisms. Barriers to effective program operations will be discussed and strategies for overcoming these will be described. *Presented by the ABA Center on Children and the Law with the support of the Foster Care Ombudsman Program, State of California, and the Citizen Review Panels of Kentucky.*

- Karen Grace-Kaho, Ombudsman for Foster Care, California Dept. of Social Services, Sacramento, CA
- Professor Blake Jones, University of Kentucky Training Resource Center, Lexington, KY
- David Kelly, Assistant Staff Director, ABA Center on Children and the Law, Washington, DC
- Howard Davidson, Director, ABA Center on Children and the Law, Washington, DC

## **Austin Hall North— Youth at Risk: Keeping Adolescents Out of the Child Welfare and Juvenile Justice Court Systems by Aiding Teens in Conflict With Their Families**

A panel of child welfare and juvenile justice experts will discuss youth who are at risk of entering the child welfare and juvenile justice systems because they committed a status offense, such as ungovernability or running away, or there is significant conflict between parent(s) and the youth. Panel members will discuss best practices and policies when dealing with this population by preventing them from entering court systems and engage in an interactive discussion of a hypothetical case of a family and youth in conflict and in need of assistance. *Presented by the ABA Commission on Youth at Risk and the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice.*

- Honorable Joan Byer, Juvenile Court, Jefferson County, KY
- Kathi Grasso, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Washington, DC
- Andrew Schepard, Director, Center for Children, Families and Law, Hofstra Law School, Hempstead, NY
- Robert Schwartz, Director, Juvenile Law Center, Philadelphia, PA
- Karen Spilka, State Senator, Boston, MA
- Mary Anne Padien, General Counsel to Senator Spilka, Boston, MA
- Margaret Winchester, Managing Attorney, Public Counsel Services, Worcester, MA
- Irene Herman, Attorney, Department of Social Services, Boston, MA

10:30 a.m. – 10:45 a.m. Austin Hall Rotunda, Coffee Break

# **CONFERENCE SESSIONS**

**Conference Opening: Austin Hall, Ames Courtroom-- 1:00 p.m. to 2:20 p.m.**  
***Overflow Room: Austin Hall North***

### **Welcomes & Introductions**

- Howard Davidson, Director, ABA Center on Children and the Law
- Elizabeth Bartholet, Professor of Law and Faculty Director, Child Advocacy Program, Harvard Law School

### **Opening Remarks**

- Elena Kagan, Dean of the Faculty of Law, Harvard Law School
- Karen J. Mathis, President, American Bar Association

## **Opening Keynote:**

### **Thoughts on Preparing the Next Generation of Child Advocates**

Introduction: Harry Spence, Commissioner, Massachusetts Department of Social Services.

**The Honorable Judith S. Kaye**, Chief Judge of the Court of Appeals, State of New York

2:20 p.m. – 2:30 p.m. Break

### **2:30 p.m. – 4:00 p.m. Workshop Sessions**

#### **Hauser Hall 104– A1 Law School Child Law Programs: Part A**

The first of two related sessions, this workshop is designed for law school representatives interested in expanding, modifying or creating child law programs (including but not limited to child law clinics). Those interested should attend both sessions, as Part A provides the basis for discussion in Part B (see workshop Block B), and Part A presenters will provide expertise for Part B. In Part A, representatives from child law programs illustrating a range of models will discuss educational goals, methods used to achieve those goals, and pros and cons of different approaches.

- Emory Univ. School of Law, Barton Child Law and Policy Clinic - Karen Worthington, Atlanta, GA
- Loyola Univ. Chicago School of Law, Civitas ChildLaw Center - Bruce Boyer, Chicago, IL
- Univ. of Michigan Law School, Child Advocacy Law Clinic - Don Duquette, Ann Arbor, MI
- Whittier Law School, Center for Children's Rights - Deborah Forman, Whittier, CA
- Univ. of Florida's Fredric G. Levin College of Law, Center on Children and Families - Monique Worrell, Gainesville, FL
- *Moderator:* Elizabeth Bartholet, Harvard Law School, Child Advocacy Program, Cambridge, MA

#### **Austin Hall North– A2 Early Childhood Development & Related Policy Implications**

Leading experts from the medical and social science disciplines will present the latest learning on early brain and social/emotional/intellectual development. Discussion will cover: the damage done by institutionalization, and the ameliorating impact of early intervention in the form of foster care and adoption, as shown by the ongoing Bucharest Early Intervention Project and other research; and the developmental problems and related service needs of children 0-5 in contact with CPS. A response panel will brainstorm policy implications of taking seriously both this research and the best interest of the child principle.

- Laurel Leslie, Assistant Professor of Medicine, Institute for Clinical Research and Health Policy Studies, Tufts-New England Medical Center, Boston, MA
- Laurie Miller, International Adoption Clinic, New England Medical Center, Tufts University School of Medicine, Boston, MA
- Charles A. Nelson, Chair of Pediatrics, Harvard Medical School/Children's Hospital, Boston, MA
- *Response Panel:*
- Sara Dillon, Professor of Law, Suffolk Univ. Law School, Boston, MA
- James Dwyer, Professor of Law, William & Mary Marshall-Wythe School of Law, Williamsburg, VA
- *Moderator:* Dr. Mary Welstead, Visiting Professor of Law, Univ. of Buckingham, UK

#### **Pound Hall 200– A3 Racial Issues in Child Welfare: Controversies and Solutions**

Authorities who have studied the problem of racial disparity in the child welfare system, from initial reporting of maltreatment through delays in securing permanency for foster children, will describe their research and findings. A lawyer and judge will also report on practical steps that can be taken to both better identify and address racial disparities through changes in law, legal advocacy, and judicial practice.

- Robert Hill, Senior Researcher, Westat Inc., Rockville, MD
- Honorable Patricia Clark, Juvenile Division, King County Superior Court, Seattle, WA
- Ernestine Jones, Member, Casey-CSSP Alliance for Racial Equity in Child Welfare, Washington, DC
- Khatib Waheed, Senior Fellow, Center for the Study of Social Policy, Washington, DC

## **Griswold Hall 110– A4    Representing Parents in the Dependency Court System: Improving the Lives of Families**

Panelists will discuss methods of improving practice for parents' attorneys. The speakers will address the difficulties of representing parents in the child welfare system including the loneliness associated with being a parent's attorney, and offer thoughts on promising practices that can result in better representation. There will be a discussion of the recent *Standards of Practice for Attorneys Representing Parents in Child Abuse and Neglect Cases* and their "real-world" application. Participants will hear from the director of a law school clinic that represents parents and an attorney currently representing parents in Massachusetts.

- Dorothy Storrow, MA Committee for Public Counsel Services, Boston, MA
- Mimi Laver, Director of Legal Education, ABA Center on Children and the Law, Washington, DC

## **Pound Hall 201– A5        Medical-Legal Partnerships in Child Welfare**

Established in 1993, the Medical-Legal Partnership for Children (formerly known as the Family Advocacy Program) combines law and medicine to address the non-biologic factors (food, housing, education and safety) known to influence child health. MLPC attorneys advocate for children and families in education, disability, immigration, domestic violence and housing cases. Two program founders will describe why they started this collaborative; how they built their program from a small legal clinic in a Boston city hospital to a movement with replication sites across the country; and how they are leveraging the private sector, convincing three law firms to "adopt" local health centers.

- Ellen Lawton, Executive Director, Medical-Legal Partnership for Children, Boston, MA
- Wendy Millette, Associate, Holland & Knight, Boston, MA
- Barry Zuckerman, MD, Founder and Board Chair, Medical-Legal Partnership for Children, Boston, MA
- *Moderator:* Martha Minow, Professor of Law, Harvard Law School, Cambridge, MA

## **Pound Hall 100– A6        ASFA (Adoption & Safe Families Act of 1997): Implementation & Impact**

ASFA places new emphasis on the child's safety and best interests, sets timelines for moving children out of foster or institutional care, and gives states leeway in some cases to terminate parental rights without first pursuing family preservation. This session will present the most recent research on ASFA's implementation, and explore how well ASFA is working to accomplish its original goals, whether it is having some unintended effects, and generally the pros and cons of this important new law.

- Richard Barth, Dean, Univ. of Maryland School of Social Work, Baltimore, MD
- Jill Berrick, Professor and Co-Director, Center for Child and Youth Policy, Univ. of California - Berkeley School of Social Welfare, Berkeley, CA
- Richard Gelles, Dean, School of Social Work at Univ. of Pennsylvania, Philadelphia, PA
- *Responder:* John Mattingly, Commissioner, NYC Administration for Children's Services, New York, NY
- *Moderator:* C. Statuto Bevan, Committee on Foreign Affairs, U.S. House of Representatives, Wash., DC

## **Pound Hall 108– A7        Foster and Kinship Caregivers: Promoting and Better Protecting Their Interests**

The expansion of kinship care, coupled with the decline in traditional foster home settings, presents significant law, policy, and legal practice challenges. Legal experts on the rights of foster and kinship care providers will explore how laws, court decisions, and other factors are significantly affecting those who provide substitute family care for abused and neglected children.

- Regina Deihl, Director, Legal Advocates for Permanent Parenting, San Mateo, CA

4:00 p.m. – 4:15 p.m.    2<sup>nd</sup> Floor of Pound Hall, John Chipman Room, Break with Light Snacks

## 4:15 p.m. – 5:45 p.m. Workshop Sessions

### **Hauser Hall 104– B1      Law School Child Law Programs: Part B**

The second of two related workshops for law school faculty and administrators interested in expanding, modifying or creating child law programs (see Part A description in Workshop Block A), this brainstorming session will involve both those from law schools interested in developing law school programs and those with extensive experience running such programs. Discussion will include: innovative ideas for law school clinical and other program work; pros and cons of different models; directions for future development of child law programs; and practical issues involved in starting a program and sustaining and expanding it over time.

- Law School Representatives interested in developing new child law programs
- Law School Representatives with extensive experience with child law programs including Andrew Schepard, Director, Hofstra Univ., Center for Children, Families and the Law, Hempstead, NY
- Dr. Barry Zuckerman and attorney Ellen Lawton discussing potential of Medical-Legal Partnerships for clinical work (see Medical-Legal Partnership panel in Block A), Boston, MA

*Moderators:*

- David Chambers, Univ. of Michigan School of Law, Professor Emeritus, Ann Arbor, MI
- Jessica Budnitz, Harvard Law School, Child Advocacy Program, Cambridge, MA

### **Pound Hall 101– B2      Runaway, Throwaway, and Homeless Youth: Building Legal Advocacy Skills**

A panel of legal professionals will discuss legal advocacy for youth who run away, are thrown away by their caregivers or are homeless. Panel members will review federal laws that affect how states respond to this population and discuss strategies and best practices when working with, advocating for and representing this population of youth.

- Casey Trupin, Attorney, Columbia Legal Services, Seattle, WA
- Jessica Kendall, Attorney, ABA Center on Children and the Law, Washington, DC

### **Pound Hall 102– B3      Child Welfare: History of Our Societal Response**

This session will focus on history with a view toward understanding the lessons for the present and the future in considering both supportive and coercive forms of state action addressing child abuse and neglect. One presenter will focus on adoption as a form of state intervention and another more broadly on the range of state intervention approaches. Each will draw on the extensive historical work they have done in these respective areas.

- Ellen Herman, Associate Professor, Univ. of Oregon, Eugene, OR
- John E.B. Myers, Distinguished Professor and Scholar, Director, Criminal Justice Concentration, Univ. of the Pacific McGeorge School of Law, Sacramento, CA
- *Moderator:* David D. Meyer, Professor, Univ. of Illinois College of Law, Urbana-Champaign, IL

### **Pound Hall 201– B4      Intensive Early Home Visitation**

This promising strategy for providing support to fragile families enabling them to avoid patterns that produce child maltreatment has spread significantly over the past few decades, with different types of programs proliferating and sometimes competing for attention and funds. This session will involve two of the nation's foremost experts on this form of supportive intervention. They will describe the history and development of the movement, the range of program models including the Nurse-Partnership model, the complicated research picture, and current efforts to implement Early Home Visitation throughout the country.

- Deborah Daro, Research Fellow, Chapin Hall, Chicago, IL
- David Olds, Professor of Pediatrics and Director, Prevention Research Center for Family and Child Health, Denver, CO
- *Moderator:* Elizabeth Bartholet, Professor of Law and Faculty Director, Child Advocacy Program, Harvard Law School, Cambridge, MA

**Pound Hall 100– B5      The Other Elians: Towards Redressing the Plight of Unaccompanied Refugee and Immigrant Children**

Every year more than 8,000 children arrive in this country without parents and are arrested and placed in adversarial immigration removal proceedings. Unlike Elian Gonzalez, the Cuban child rescued at sea in 2000 and ultimately represented by a cadre of pro bono attorneys, the vast majority of unaccompanied refugee and immigrant children go unrepresented. This session will explore the intersections of family and immigration law, including challenges and best practices for representing unaccompanied children in immigration matters; novel issues that arise when representing immigrant children or the children of immigrants in family court; and innovative strategies for involving private sector and law school resources. The session will be interactive, with a short video segment and transcripts from immigration and family court proceedings.

- Christopher Nugent, Senior Counsel, Community Services Team of Holland & Knight LLP, Washington DC
- David Thronson, Associate Professor of Law, William S. Boyd School of Law at the Univ. of Nevada, Las Vegas, NV

*Responders:*

- John Mattingly, Commissioner, NYC Administration for Children's Services, New York City, NY
- John Willshire-Carrera, Managing Attorney, Greater Boston Legal Services, Boston, MA
- *Moderator:* Matthew Muller, Clinical Fellow, Harvard Immigration & Refugee Project, Cambridge, MA

**Pound Hall 107– B6      Advocacy for Children and Parents with Disabilities**

Advocacy for children or others with significant cognitive or physical disabilities must address their special needs. Those disabilities may be important regarding child welfare intervention, termination of parental rights, juvenile justice, or eligibility for federal or state benefits. Those problems will be discussed in the context of Fetal Alcohol Spectrum Disorders, a widespread but often unrecognized disability. The panel will also consider the impact of parental disabilities on the interests and custody of children. Participants will learn the importance of identifying this disability, Fetal Alcohol Spectrum Disorders (FASD), among your clients and how to find local resources for diagnosis of and planning for these cognitively impaired individuals. Participants will also receive a basic overview of the SSI eligibility criteria, application and appeals processes, as well as information about the purpose of the SSI program. The panel will explain the value of cash benefits and related Medicaid to lower income families raising children with disabilities.

- Brenda Shum, Assistant Staff Director, ABA Center on Children and the Law, Washington, DC
- Barbara Auerbach, Supervising Attorney (Ret.), Los Angeles County Dependency Court, CA
- Professor Natalie Novick Brown, Dept. of Psychiatry, University of Washington, Seattle, WA
- Charles J. Cervantes, Office of the L.A. Public Defender, Los Angeles, CA
- Professor Kathryn Kelly, Project Director, FASD Legal Issues Resource Center. Univ. of Washington
- Linda Landry, Attorney, Disability Law Center, Boston, MA

**5:45 p.m. – 7:00 p.m.      Conference Reception  
2<sup>nd</sup> Floor of Pound Hall,  
John Chipman Room**

# Saturday

7:30 a.m. – 8:30 a.m. Austin Hall Rotunda, Light Breakfast

**Austin Hall, Ames Courtroom 8:30 a.m. – 10:00 a.m.**  
***Overflow Room: Austin Hall North***

## **Youth Aging Out of Foster Care: A National Attorney-Youth Dialogue**

- William Bell, President, Casey Family Programs, Seattle, WA
- Miriam Krinsky, Children's Law Center of Los Angeles, CA (moderator)
- Eliza Wagner, Speak Out Team, Boston, MA
- Justin Pasquariello, Adoption and Foster Care Mentoring, Boston, MA
- Charity Bell, Kids Net, Boston, MA
- Betsy Krebs, Youth Advocacy Program, New York City, NY
- Casey Trupin, Columbia Legal Services, Seattle, WA

10:00 a.m. – 10:15 a.m. Austin Hall Rotunda, Coffee Break

## **10:15 a.m. – 11:45 a.m. Workshop Sessions**

### **Pound Hall 107– C1      Protecting the Financial Assets of Foster Children: Preserving Resources for Later Successful Transitions Out of Care**

In light of the US Supreme Court's decision in the *Keffeler* case, legal advocates for foster children need strategies to address the national practice of state agencies taking foster children's Social Security benefits to reimburse state costs, rather than using or preserving the benefits for the children's needs. This workshop will analyze the policy concerns flowing from this practice, discuss legal challenges that survive the *Keffeler* decision, and provide recommendations for reform.

- Professor Daniel Hatcher, University of Baltimore School of Law, Baltimore, MD

### **Pound Hall 204– C2      Certification Specialization for Child Welfare Attorneys: Competencies Needed by the Proficient Practitioner**

This session will cover the curriculum and procedure for becoming a Child Welfare Law Specialist (CWLS). The ABA has designated Child Welfare Law as an official legal specialty in which lawyers may obtain certification, and the National Association of Counsel for Children (NACC), as the authorized national certifying body, is building or preparing to build certification programs in each state. Child Welfare Attorney Certification is a major component of juvenile court improvement. It is designed to raise the standard of practice, thereby improving outcomes for children and families. The specialty includes representation of children, parents, and state agencies in abuse, neglect and dependency cases.

- Marvin Ventrell, Chief Executive Officer, National Association of Counsel for Children, Denver, CO

### **Pound Hall 200– C3      Better Addressing Adolescent Health and Well-Being in Child Welfare Cases**

Adolescents in the child welfare system and those preparing to transition out of care face unique health-related needs. The session will address the need for attorney attention to and court review of well-being outcomes related to physical health (including medical and dental health) and mental health, and discuss how attorneys, judges, health providers and other health professionals can work together to ensure adequate services for youth in state care.

- Eva Klain, Director, Child and Adolescent Health, ABA Center on Children and the Law, Washington, DC
- Mary Foley, Project Director, Improving Perinatal and Infant Oral Health, Children's Dental Health Project, Washington, DC

#### **Pound Hall 102– C4      Ethical Issues in the Practice of Child Welfare Law**

This workshop will explore ethical issues for agency, parents' and children's attorneys in child welfare cases. Through a series of hypothetical case scenarios, participants will explore ethical issues such as confidentiality, representing clients with diminished capacity, representing an organization, candor towards the tribunal, conflict of interest, dealing with unrepresented parties, and scope of representation/ duty of loyalty. The session will address the distinction between the guardian ad litem model and the traditional attorney-client model for representing children. The analysis will be based on the ABA Model Rules of Professional Conduct.

- Jennifer Renne, Assistant Staff Director, ABA Center on Children and the Law, Washington, DC

#### **Pound Hall 101– C5      Parental Substance Abuse: Reform Initiatives including CAPTA Inspired Early Intervention Programs & Family Drug Courts**

Parental substance abuse has long been recognized as central to the child maltreatment problem. This session will describe and discuss some of the legal and program changes of recent years, including CAPTA amendments mandating that hospitals report the birth of drug-affected newborns to CPS, and the development of increasing numbers of Family Drug Courts and related programs promising substance-abusing parents prompt and priority access to treatment programs. Discussion will include how such programs work, what research shows as to effectiveness, and some pros and cons of different initiatives.

- Douglas F. Johnson, Family Drug Court Judge in Omaha, NB
- Joseph P. Ryan, Assistant Professor in the School of Social Work and a Faculty Fellow with the Children and Family Research Center at the Univ. of Illinois, Urbana-Champaign, and Director of Recovery Coach Demonstration Drug Project, IL
- *Responder:* John Mattingly, Commissioner, NYC Administration for Children's Services, New York, NY
- *Moderator:* C. Statuto Bevan, Committee on Foreign Affairs, U.S. House of Representatives, Wash., DC

#### **Pound Hall 100– C6      International Adoption: Policies, Politics and the Pros & Cons**

International adoption is characterized by intense controversy, with the debate significantly replicating that surrounding transracial adoption prior to MEPA. Children's rights advocates take radically different positions, and the future is unclear. This session will analyze recent trends, the significance of the Hague Convention on Intercountry Adoption, the politics, and the policy pros and cons. Discussion will include UNICEF's position, research on institutionalization and adoption, and the related human rights debate.

- Sara Dillon, Professor of Law, Suffolk Univ. Law School, Boston, MA
- Karin Landgren, Chief of Child Protection, UNICEF, New York, NY
- Charles A. Nelson, Scott Chair of Pediatrics, Harvard Medical School/Children's Hospital, Boston, MA
- *Moderator:* Elizabeth Bartholet, Professor of Law and Faculty Director, Child Advocacy Program, Harvard Law School, Cambridge, MA

#### **Pound Hall 201– C7      Concurrent Planning: Program Developments & New Research Findings**

Concurrent planning was designed to expedite permanency for children with limited prospects for reunification, by placing them on dual tracks, and providing reunification services to the parents while simultaneously preparing for adoption. This session will explore what has happened over the past decade as concurrent planning has been implemented by some public agencies, examining ways in which many agencies have corrupted the original vision, but also ways in which agencies can work effectively to accomplish the goals of this important reform initiative. Included will be information on how courts, lawyers and social service agencies can effectively implement concurrent planning, with successful models of implementation highlighted.

- Jill Berrick, Professor and Co-Director, Center for Child and Youth Policy, Univ. of California - Berkeley School of Social Welfare, Berkeley, CA
- Linda Katz, ACSW, Program Manager, CASA Program, Seattle, WA
- *Moderator:* Heidi Epstein, ABA Center on Children & the Law, Washington, DC



**Conference Luncheon**  
**11:45 a.m. – 1:45 p.m. 2<sup>nd</sup> Floor of Pound Hall, Ropes Gray Room**

Remarks: J. Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Washington, DC

***Keynote Presentation***

**Substance Abuse Treatment:**

**Addressing a Critical Factor in Child Welfare Legal Interventions**

- **Dr. H. Westley Clark**, Director, Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration, US Dept. of Health and Human Services, Washington, DC

1:45 p.m. – 2:00 p.m. Break

**2:00 p.m. – 3:30 p.m. Workshop Sessions**

**Pound Hall 200– D1      The Federal Child Welfare Court Improvement Program:  
13 Years of Progress and How Lawyers and Judges  
Can Make it Work Better**

This session will discuss the overall impact of the federal Court Improvement Program since its enactment, focusing on several of the most critical types of court related reforms. Reforms described will include judicial caseload management (delay reduction), improved quality of hearings (including judicial workloads), judicial and court staff qualifications, systematic improvements in legal representation, economics of court reform, and reforms of the court process itself. For each type of reform, there will be a discussion about what has been achieved, where there has been mixed progress, and what remains to be accomplished.

- Mark Hardin, Director of Child Welfare, ABA Center on Children and the Law, Washington, DC
- Nancy Miller, Director, Permanency Planning for Children Department, National Council of Juvenile and Family Court Judges, Reno, NV

**Pound Hall 100– D2      Meeting the Needs of Court-Involved Infants and Toddlers:  
Essential Knowledge for Lawyers and Judges**

Infants and toddlers are the fastest growing population in the child welfare system, accounting for one in five admissions, and they remain in care twice as long as older children. Despite their vulnerability, too many young children seen in court in child abuse or neglect cases do not receive services that can address and ameliorate risks to their early development. This session will present essential knowledge about early childhood development and the health needs of children aged 0-5, discuss attorney and judicial best practices that promote healthy development, and explore the impact and emerging promising practices of a court-community partnership focusing on very young children.

- Eva Klain, Director, Child and Adolescent Health, ABA Center on Children and the Law, Washington, DC
- Sheryl Dicker, Former Executive Director, NY Permanent Judicial Commission on Justice for Children; Senior Advisory, National Center on Children in Poverty, Mailman School of Public Health, Columbia University, New York, NY
- JoAnne Solchany, Assistant Professor, School of Nursing, University of Washington, Seattle, WA
- Lucy Hudson, Director, Court Teams for Maltreated Infants and Toddlers, Zero to Three, Wash., DC

**Pound Hall 204– D3      The Opening Doors Project: Improving the Legal System's Approach to LGBTQ (lesbian, gay, bisexual, transgender, and questioning) Youth in Foster Care**

LGBTQ youth in foster care have unique needs that their advocates and judges can help address. Opening Doors is the ABA's exciting new project geared toward dependency court attorneys and judges to help them address these needs. This session will introduce participants to the project, discuss the urgent needs of this population, review promising practices being used in courtrooms nationwide, examine practices used in participants' own jurisdictions, and discuss ways practices can be improved throughout dependency court systems.

- Mimi Laver, Co-Director, Opening Doors Project, ABA Center on Children and the Law, Wash., DC
- Andrea Khoury, Co-Director, Opening Doors Project, ABA Center on Children and the Law, Wash., DC

**Pound Hall 201– D4      MEPA (Multiethnic Placement Act) Implementation and Enforcement**

Congress enacted this powerful law in the mid-1990's, prohibiting use of race as a factor in foster or adoptive placement by all agencies receiving federal funds. The law and related regulations were designed to radically change how the system worked, eliminating any form of race matching as well as special screening of transracial adoptive parents, and preventing delay and denial of adoptive placement based on race. This session will examine how the law has worked, looking at the most recent research on MEPA's impact and the two major enforcement decisions issued by the US Department of Health and Human Services imposing financial penalties.

- Richard Barth, Dean, Univ. of Maryland School of Social Work, Baltimore, MD
- Wade Horn, former Assistant HHS Secretary for Children and Families, Washington, DC
- *Responder:* C. Statuto Bevan, Committee on Foreign Affairs, U.S. House of Representatives, Wash., DC
- *Moderator:* Joan Hollinger, Lecturer in Residence, School of Law-Boalt Hall, Univ. of CA, Berkeley, CA

**Pound Hall 102– D5      Strategies for Addressing the Educational Needs of Children in Foster Care**

Children in foster care face significant challenges to ensuring their education needs are addressed appropriately. This session will discuss the key goals for achieving education success for children in foster care as well as strategies for implementing direct advocacy and system reform initiatives.

- Kathleen McNaught, Director of Education Advocacy, ABA Center on Children and the Law, Wash., DC
- Debbie Staub, Casey Family Programs, Seattle, WA
- Robert Schwartz, Director, Juvenile Justice Center, Philadelphia, PA

**Pound Hall 107– D6      Closing the Achievement Gap: The Potential & Limitations of Charter Schools & Other Educational Reform Moves**

Some in the education field have heralded the charter school movement as a silver-bullet: the one single policy reform that could dramatically improve outcomes for children. Presenters will address both the potential and limitations of this movement for at-risk youth; synthesize the research indicating the importance of non-school factors (health, nutrition, parents, home, community) on student achievement; and discuss why no "super school" or single school reform can close the achievement gap unless it is promoted in the context of a larger economic and social policy agenda.

- James Forman, Associate Professor of Law, Georgetown Univ. and Co-Founder, Maya Angelou Public Charter School, Washington DC
- Richard Rothstein, Research Associate, Economic Policy Institute, and Visiting Lecturer, Harvard Graduate School of Education, Washington, DC
- *Moderator:* James E. Ryan, Academic Associate Dean and Professor of Law, Univ. of Virginia, Charlottesville, VA

**Pound Hall 101– D7      Differential Response Systems & Community Partnerships in Child Welfare**

A major recent development in child welfare is the move to divert a significant proportion of cases that traditionally have gone through CPS investigation and intervention, to another track, with the hope of providing families more supportive service. This session will describe this rapidly spreading movement, explore its significance, define

differences between the two major models – “differential response systems” and “community partnerships” – and consider what can be learned from the existing research.

- Deborah Daro, Research Fellow, Chapin Hall, Chicago, IL
- Tony Loman, Research Director, Institute for Applied Research, St. Louis, MO
- *Moderator:* Elizabeth Bartholet, Professor of Law and Faculty Director, Child Advocacy Program, Harvard Law School, Cambridge, MA

3:30 p.m. – 3:45 p.m. 2<sup>nd</sup> Floor of Pound Hall, John Chipman Room, Break with Light Snacks

### **3:45 p.m. – 5:15 p.m. Workshop Sessions**

#### **Pound Hall 107– E1      Removing Barriers to Permanency: Successful Strategies Based on Multi-State Work**

This session will explore effective ways to reduce barriers to timely permanency planning for children in foster care. It will review how to identify the barriers, plan for change, implement reforms and record accurate results. Best practice tips gathered from years of reducing delays will be shared with practitioners to help reduce time children spend in foster care. Participants will receive sample tools, checklists and protocols to help prevent unnecessary delays in foster care. The panel will discuss the importance of collaboration between the court and child welfare agency and how to involve key stakeholders in achieving permanency more quickly. Results of the multi-state, award-winning ABA Permanency Barriers Project will be reviewed.

- Heidi Redlich Epstein, Assistant Dir. of State Projects, ABA Center on Children and the Law, Wash., DC
- David Kelly, Assistant Staff Director, ABA Center on Children and the Law
- Kristin Kelly, Research Associate, ABA Center on Children and the Law
- Anne Marie Lancour, Director of State Projects, ABA Center on Children and the Law
- Mimi Laver, Director of Legal Education, ABA Center on Children and the Law
- Debra Jenkins, Assistant Staff Director, ABA Center on Children and the Law
- Brenda Shum, Assistant Staff Director, ABA Center on Children and the Law

#### **Pound Hall 100– E2      Confidentiality & Information Sharing: Child Welfare Outcomes Affected by HIPAA, FERPA and Other Privacy Laws**

Barriers, both real and mistaken, often inhibit timely and necessary sharing of otherwise private personal information related to litigants in the dependency court system. This session will explore how provisions in HIPAA, FERPA, and other privacy laws and their regulations can be used to aid in overcoming problems in required information sharing. Areas where law appropriately protects child and parent privacy will be discussed.

- Mark Hardin, Director of Child Welfare, ABA Center on Children and the Law, Washington, DC
- Kathleen McNaught, Director of Education Advocacy, ABA Center on Children and the Law
- Andrea Khoury, Assistant Staff Director, ABA Center on Children and the Law

#### **Pound Hall 102– E3      Early Childhood Education: Research Findings, Policy Implications, and Strategies for Expanding Access**

Increasing attention has focused on the long-term importance of early childhood education. Armed with empirical research indicating the importance of quality early education, lawyers and policy-makers are developing strategies to achieve universal access. This session will present research on the lasting benefits of preschool, including a cost-benefit analysis based on a twenty-five year study; explore the role litigation can and should play in expanding access to preschool; and discuss how to rally unusual allies in the private sector (i.e., banks, corporations) to encourage legislators to support expanded access.

- W. Steven Barnett, Professor of Education Economics and Public Policy and Director of the National Institute for Early Education Research (NIEER) at Rutgers University, New Brunswick, NJ
- James E. Ryan, Academic Associate Dean and Professor of Law, Univ. of Virginia, Charlottesville, VA
- *Moderator:* Margaret Blood, President, Strategies for Children, Boston, MA

## **Pound Hall 101– E4      Coercive Intervention at Birth and in Early Infancy: New Initiatives, Their Constitutionality, and the Policy Pros & Cons**

Law has traditionally created a powerful presumption that birth parents should parent the child they produce, subject only to intervention post-birth based on demonstrated and serious parental unfitness. Some inroads have recently been made on this tradition: ASFA envisions termination of parental rights based on abuse of a child's siblings; CAPTA envisions notifying CPS of drug-affected newborns and related CPS intervention based on pre-birth drug abuse; Safe Haven legislation facilitates at-birth surrender of parenting rights. This session will explore these and other challenges to the power of the at-birth parenting presumption and the related pressure on birth parents to keep their children rather than placing them for adoption, together with an analysis of the constitutionality of various approaches.

- James Dwyer, Professor of Law, William & Mary Marshall-Wythe School of Law, Williamsburg, VA
- David D. Meyer, Professor of Law, Univ. of Illinois College of Law, Urbana-Champaign, IL
- Carol Sanger, Professor of Law, Columbia Law School, New York City, NY
- *Responder:* John Mattingly, Commissioner, NYC Administration for Children's Services, New York, NY
- *Moderator:* Elizabeth Bartholet, Professor of Law and Faculty Director, Child Advocacy Program, Harvard Law School, Cambridge, MA

## **Pound Hall 200– E5      Running an Effective Children's Law Office: Guidelines from the National Association of Counsel for Children's New "Bluebook"**

This session will cover the elements of model child welfare law office operation. In 2006, the NACC published *The Child Welfare Law Office Guidebook: Best Practice Guidelines for Organizational Legal Representation of Children in Abuse, Neglect, and Dependency Cases* (also known as the "Blue Book"). The Blue Book contains 33 Guidelines designed to produce model law office operation in the areas of development, administration, and program. The session will cover the Blue Book essential guidelines and results of the National Children's Law Office Symposium held in January 2007.

- Professor Gerry Glynn, Barry University School of Law, Orlando, FL

## **Pound Hall 201– E6      Non-Litigation Approaches to Systemic Child Welfare Reform**

This session will feature representatives of organizations that use a range of non-litigation methods in an effort to achieve systemic reform in the child welfare system and some of their important substantive reform agendas. Discussion will include: methods that one of the nation's leading child advocacy organization uses to accomplish change; the important roles played by both foundations and national commissions; current efforts to change the financing of the child welfare system; and examples of effective collaboration between social scientists and the child welfare system to design demonstration projects and accomplish related reform.

- Mary Lee Allen, Director, Child Welfare and Mental Health Division, Children's Defense Fund, Wash., DC
- Nancy Salyers, Co-Director, Fostering Results supported by the Pew Charitable Trusts, Chicago, IL
- *Moderator:* Joseph P. Ryan, Assistant Professor in the School of Social Work and a Faculty Fellow with the Children and Family Research Center at the Univ. of Illinois, Urbana-Champaign, IL

## **Pound Hall 204– E7      Gay Parenting**

Gay parenting is a growing phenomenon, with the law struggling to keep up with what is happening on the ground. Law has taken significant steps recently to legitimize gay parenting through second parent adoption, the de facto parenting doctrine, greater openness by adoption agencies and courts to permit gay singles and couples to adopt, and development of civil union and same-sex marriage law. However, such parenting remains very controversial, with many arguing for a ban on gay parenting in adoption, and some recent court decisions upholding such a ban. This session will describe factual and legal developments in this area, and analyze the research on gay parenting, which has triggered its own debate.

- Michael Wald, Professor of Law, Stanford Law School, Stanford, CA
- Joan Hollinger, Lecturer in Residence, Boalt Hall, Univ. of California, Berkeley, Berkeley, CA
- *Moderator:* Dr. Mary Welstead, Visiting Professor of Law, Univ. of Buckingham, UK

# Sunday

8:00 a.m. – 9:00 a.m. Outside Langdell Hall North and South, Light Breakfast

9:00 a.m. – 10:30 a.m.

## Choice of Two Simultaneous Sessions

### **Langdell Hall North– Evidentiary Issues in Child Abuse and Neglect Court Proceedings: New Caselaw and Legislative Developments**

- Professor John E.B. Myers, University of the Pacific, McGeorge School of Law, Sacramento, CA and author of *Myers on Evidence in Child, Domestic, and Elder Abuse Cases* (Aspen Publishers, 2005)

### **Langdell Hall South– Children, Youth and Trauma: What Attorneys Need to Know, and Do, to Better Aid Victimized Young People**

- Dr. Jessica Greenwald O'Brien, Clinical Forensic Psychologist, Boston, MA
- Amy Karp, Training Director, Mass. Committee for Public Counsel Services, Children and Family Law Program, Boston, MA
- Susan Cole, lecturer and clinical instructor, Harvard Law School, and director, Trauma and Learning Policy Initiative/Special Education Clinic at Harvard's Hale and Dorr Legal Services Center, Boston

10:30 a.m. – 10:45 a.m. Break

**Austin Hall, Ames Courtroom 10:45 a.m. – 12:15 p.m.**  
***Overflow Room: Morgan Courtroom, Austin Hall***

### ***Closing Conference Keynote Presentation*** **The Challenge of Making Child Welfare Systems Work: Lessons from the Past for the Future**

- Olivia Golden, Director of Operations, Office of New York Governor Eliot Spitzer; former Senior Fellow, Urban Institute, Washington DC
- Michael Wald, Jackson Eli Reynolds Professor of Law, Stanford Law School, CA
- Moderator: Charles Ogletree, Jesse Climenko Professor of Law, Harvard Law School and Founding and Executive Director of Charles Hamilton Houston Institute for Race and Justice

#### ***Response Panel:***

- Honorable Martha Grace, Chief Justice, Juvenile Court, Boston, MA
- John B. Mattingly, Commissioner, Administration for Children's Services, New York, NY

Olivia Golden and Michael Wald each bring a lifetime career of experience to the task of thinking about how to make child welfare systems work better for children. They bring experience across a wide spectrum, having both worked from inside such systems, at the highest levels, and having both also

analyzed such systems from the outside, in influential policy think tank and academic positions. They will analyze what has made child welfare systems so resistant to reform, as well as the potential for creating systems that work better for children. They will talk about how lawyers, agencies and courts can work better together to achieve reform. They will talk about how broadly future child advocates should conceive of their role, and how they should prepare for the range of challenges this work involves. They will discuss the limits and the potential of institutional reform litigation and other particular tools in the advocate's arsenal for systemic change.

- Olivia Golden is the new Director of Operations for New York Governor Eliot Spitzer. She is an expert in child and family programs at the federal, state, and local levels with a special interest in the way services are delivered on the front lines, and her career has combined senior positions in government, the advocacy world, and academia. From 2001 to 2004, she served as director of the Child and Family Services Agency of the District of Columbia, leading the agency out of federal court receivership and making critical improvements in services to children. From 1993 to 2001, she served in two presidentially appointed positions within the U.S. Department of Health and Human Services, first as commissioner for Children, Youth, and Families and then as assistant secretary for Children and Families. In these roles, she was responsible for over 60 federal programs, including Early Head Start, created during her tenure to extend Head Start to ages 0-3, and child abuse and neglect programs, including implementation of the Adoption and Safe Families Act. She has also served as Senior Fellow at the Urban Institute, Washington, D.C., director of programs and policy at the Children's Defense Fund, lecturer in public policy at the Kennedy School of Government at Harvard University, and budget director for the Executive Office of Human Services in the Commonwealth of Massachusetts. Her publications focus on the service delivery, leadership, and political strategies that human services programs use to achieve successful results for children and families.
- Michael Wald is the Jackson Eli Reynolds Professor of Law at Stanford Law School. Deeply devoted to the cause of children's rights and welfare, and a frequent expert advisor on youth and children's legal issues nationwide, he has had a distinguished career as an academic researcher and teacher. He is one of the leading national authorities on legal policy towards children, and drafted the American Bar Association's Juvenile Justice Commission Standards Related to Child Abuse and Neglect, as well as major federal and state legislation regarding child welfare. Professor Wald served as deputy general counsel for the U.S. Department of Health and Human Services during the Clinton Administration, executive director of the San Francisco Department of Human Services, and senior advisor to the president of the William and Flora Hewlett Foundation. He has been a Guggenheim Fellow, and he currently serves as a board member of Legal Services for Children in San Francisco. He has been a member of the Stanford Law School faculty since 1967.
- Charles Ogletree has made an international reputation by taking a hard look at complex issues of law and by working to secure the rights guaranteed by the Constitution for everyone equally under the law. He has examined these issues not only in the classroom, on the Internet, and in law journals, but also in the everyday world of the public defender in the courtroom and in public television forums where these issues can be dramatically revealed. He is the Founding and Executive Director of Harvard Law School's new Charles Hamilton Houston Institute for Race & Justice.

# Faculty List

Mary Lee Allen, Children's Defense Fund, Washington, DC  
Barbara Auerbach, Attorney, Los Angeles, CA  
W. Steven Barnett, Rutgers University, New Brunswick, NJ  
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Charity Bell, Kids Net, Boston, MA  
Elizabeth Bartholet, Harvard Law School, Cambridge, MA  
Jill Berrick, University of California – Berkeley, CA  
C. Statuto Bevan, House Committee on Foreign Affairs, Washington, DC  
Margaret Blood, President, Strategies for Children, Boston, MA  
Bruce Boyer, Loyola University Chicago School of Law, Chicago, IL  
Natalie Novick Brown, Univ. of Washington, Seattle, WA  
Jessica Budnitz, Harvard Law School, Cambridge, MA  
Judge Joan Byer, Juvenile Court, Jefferson County, KY  
Charles J. Cervantes, Office of the Los Angeles Public Defender, CA  
David Chambers, University of Michigan School of Law, Ann Arbor, MI  
Judge Patricia Clark, Seattle, WA  
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Susan Cole, Clinical Instructor and Harvard's Hale & Dorr Legal Services Center, Boston, MA  
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Sheryl Dicker, National Center on Children in Poverty, New York, NY  
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Richard Gelles, University of Pennsylvania, Philadelphia, PA  
Gerry Glynn, Barry University School of Law, Orlando, FL  
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Wade Horn, former Assistant Secretary, US Department of Health and Human Services, Washington DC  
Lucy Hudson, ZERO TO THREE: National Policy Center, Washington, DC  
Judge Douglas F. Johnson, Juvenile Court, Omaha, NE  
Blake Jones, Citizen Review Panels of Kentucky, Lexington, KY  
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Justin Pasquariello, Adoption and Foster Care Mentoring, Boston, MA  
Heidi Redlich Epstein, ABA Center on Children and the Law, Washington, DC  
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